

DOCKETED

Docket Number:	16-AFC-01C
Project Title:	Stanton Energy Reliability Center - Compliance
TN #:	241061
Document Title:	SERC Application for Confidential Designation - Compliance Reporting
Description:	N/A
Filer:	Scott Galati
Organization:	DayZenLLC
Submitter Role:	Applicant Representative
Submission Date:	12/21/2021 4:22:09 PM
Docketed Date:	12/21/2021



Stanton Energy Reliability Center, LLC

An Affiliate of W Power, LLC

December 21, 2021

Mr. Drew Bohan
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Subject: **Application for Confidential Designation**
 UL 9540A Test Report for a Battery Energy Storage System
 Stanton Energy Reliability Center (16-AFC-01C)

Dear Mr. Bohan,

Stanton Energy Reliability Center, LLC (SERC, LLC), as owner of Stanton Energy Reliability Center (SERC), requests that the attached information be designated confidential pursuant to 20 California Code of Regulations (CCR) Section 2505. The information being supplied is a Unit Level Test Report, typically regarded as full-scale destructive test reporting, prepared in conformance with standard "UL 9540A Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems", and a Hazard Mitigation Analysis, prepared in accordance with Section 1206 of the California Fire Code.

In support of its Application for Confidential Designation, Stanton Energy Reliability Center, LLC provides the following information:

APPLICANT: Stanton Energy Reliability Center, LLC
ADDRESS: 650 Bercut Drive, Suite A
 Sacramento, CA 95811

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

1. Unit Level Test Report. Issued: May 6, 2021. This 47 page report provides a written description of methods, procedures and results of full-scale destructive testing performed by UL on behalf of SERC's battery system Original Equipment Manufacturer (OEM).
2. Hazard Mitigation Analysis (HMA). Issued: December 9, 2021. This 16 page analysis was prepared in compliance with Section 1206 of the California Fire Code to demonstrate that risks associated with SERC's Energy Storage System have been analyzed and mitigated. The HMA contains content from item #1.

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 916.492.9486

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1(b). Specify the part(s) of the record for which you request confidential designation.

Both reports identified above in 1(a), in their entireties.

2. State and justify the length of time the Commission should keep the record confidential.

The reports identified above should be kept confidential indefinitely to satisfy confidentiality requirements to which SERC is obligated pursuant to a Non-Disclosure Agreement (NDA) with the OEM, intended to protect OEM's proprietary information.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

The reports identified above may be kept confidentially pursuant to the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [CEC] to keep the record confidential." The California Public Records Act allows for the non-disclosure of corporate proprietary information including trade secrets. (Gov. Code, §§ 6254(k), 6276.44; see also Evid. Code, § 1060; Civ. Code, § 3426.1.) The reports contain proprietary information including trade secrets, and therefore the codes cited above apply.

3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The content of the reports identified above describes testing results specific to the OEM's provided goods, which have been developed, designed, and manufactured at significant cost and time to the OEM. OEM requires SERC to ensure the information contained in the reports is held confidentially in order to protect OEM's trade secrets and proprietary information. The OEM is requiring that the CEC designate the materials as confidential prior to transmitting them to CEC staff. The OEM, and those to whom it discloses the information contained in the reports, protect such information from falling into the public domain, as such it is very difficult for it to be legitimately acquired or duplicated by others.


4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

Due to the technical nature of the reports, and prior public references to the Energy Storage System installed at SERC, aggregation or masking of information does not provide adequate confidentiality. CEC staff has requested they be provided the full version of the report in order to determine the mitigations identified in the Hazard Mitigation Analysis are complete. Aggregation or masking does not adequately protect the OEM's trade secrets.

5. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

SERC, LLC is obligated by terms of its NDA with the OEM to seek the OEM's consent prior to releasing the content of the reports to outside parties. SERC, LLC requested the OEM's permission to release the report to the CEC, and the OEM consented to the release provided that the CEC receives the information confidentially. The information is distributed internally as confidential, with notices that any distribution to outside parties must be a) approved by the OEM in advance, and b) subject to a Non-Disclosure Agreement or equivalent confidentiality obligations.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and I am authorized to make the application and certification on behalf of the applicant.



Kara J. Miles
Stanton Energy Reliability Center, LLC
President