

DOCKETED

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April 15, 2022

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

Re: Russell City Energy Center (01-AFC-07C): Supplemental Application for Confidential Designation

Dear Mr. Bohan:

Per direction from the Chief Counsel's Office of the California Energy Commission, the Russell City Energy Company, LLC hereby submits this Supplemental Application for Confidential Designation relating to certain information contained in the *Investigation Report: Calpine Russell City Steam Turbine/Generator Event*.

Please contact me at 916-447-2166 or sgn@eslawfirm.com should you have any questions or require additional information. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Samantha G. Neumyer".

Samantha G. Neumyer
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2600 Capitol Avenue, Suite 400
Sacramento, CA 95816
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Attorneys for Russell City Energy Company, LLC

Cc: Linda Barrera, CEC Chief Counsel

**APPLICATION FOR CONFIDENTIAL DESIGNATION
Russell City Energy Center (01-AFC-07C)**

1. *Specifically indicate those parts of the record which should be kept confidential.*
 - a. *Title, date, and description (including number of pages) of the information or data for which you request confidential designation.*

Russell City Energy Company, LLC (“Applicant”) is supplementing its request for confidential designation of the information described in Section 1.b below (collectively, the “Information”) contained in the *Investigation Report: Calpine Russell City Steam Turbine/Generator Event (“Investigation Report”)*¹ for the Russell City Energy Center (“RCEC”).

- b. *Parts of the information or data for which you request confidential designation.*

Description of Information	Investigation Report Page #
Information regarding scope, nature, and specific equipment damaged in the steam turbine event.	Sentence on page 5, sentence on page 10 in section 4.1.
Piping flow information	Bulleted items on pages 30-31.
The name of the contractor that examined damaged components.	Page 34.

2. *State the length of time the record should be kept confidential and provide justification for the length of time.*

The Information should be kept confidential for the operating life of the RCEC.

3. *Cite and discuss:*

- (a) *the provisions of the Public Records Act (“PRA” or other law that allow the Commission to keep the information or data confidential, and explain why the provision applies to the material; and*
- (b) *the public interest in nondisclosure of the material submitted for confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please 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.*

Information regarding scope, nature, and specific equipment damage.

As described in its initial Application, the Public Records Act (“PRA”) broadly exempts corporate proprietary information, including trade secrets, from public disclosure. (For example, see Gov’t Code §§ 6254.7(d), 6254.15.) Trade secrets include “any formula, plan, ... production data, or compilation of information ..., which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a

¹ Submitted pursuant to an application for confidential designation on November 23, 2021 (TN#: 240713). Information regarding scope, nature, and specific equipment damaged in the steam turbine event (hereinafter, “Application”).

APPLICATION FOR CONFIDENTIAL DESIGNATION
Russell City Energy Center (01-AFC-07C)

service ... and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.” (Gov’t Code §§ 6254.7(d), 6254.15.) The Information relates to specific components of the RCEC, the status of the component, and scope of damage to key facility components. This information has independent economic value from not being generally known to the public or to the Applicant’s competitors and impacts the facility’s competitiveness on a going forward basis. Specifically, the scope of the damage to the equipment has a direct correlation to the repair costs of the facility. Disclosure of the scope and nature of the damage can enable competitors to ascertain the cost of repairs to the facility. Furthermore, the cost of repairs affects operational and maintenance costs, which in turn affects the facility’s market competitiveness.

Piping flow information and contractor company name.

The PRA provides a specific exclusion from disclosure where “...on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” (Gov’t Code § 6255(a).) The public interest served by not disclosing this Information clearly outweighs the public interest served by disclosure as nondisclosure will protect against potential misuse of the information for illicit purposes, such as vandalism, tampering, or other third-party imposed damages. The Applicant has explained in detail in recent applications the terrorism and security threats posed to the energy sector, particularly given the recent geopolitical climate.² The piping flow information does not simply give the general location of the critical infrastructure, but provides specific engineering, vulnerability, and detailed design information at the RCEC. This Information can be used to both ascertain the facility design and reverse engineer the conditions that resulted in the steam turbine event. After consultation with the Chief Counsel’s Office, to address these concerns, the Applicant will be providing a more refined redaction of the piping flow information.

With respect to the company name of the contractor identified in the *Investigation Report*, the public interest in nondisclosure clearly outweighs the public’s interest in disclosure. This information provides the name of the contractor who conducted work on behalf of the RCEC, and who has information regarding the nature of the damage to the RCEC and potential facility vulnerabilities. Nondisclosure prevents doxing or harassment of this business and prevents potential cybersecurity and physical site security risks to the RCEC.

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant considered whether it would be possible to aggregate or mask the information in the Information and does not believe that the Information consists of the types of data or programmatic reporting that generally lends itself to masking and aggregation.

² See, TN#: 242288, 242644.

APPLICATION FOR CONFIDENTIAL DESIGNATION
Russell City Energy Center (01-AFC-07C)

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

The Information is accessible only to employees, contractors, or consultants providing essential services to the RCEC, and has been disclosed to certain agencies, such as the California Public Utilities Commission and California Energy Commission, that have regulatory oversight or other responsibilities over either the Information or the RCEC.

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 belief. I am authorized to make this Application and Certification on behalf of the Applicants.

Dated: April 15, 2022

By: _____

Samantha G. Neumyer

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Sacramento, CA 95816

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Attorneys for Russell City Energy Company, LLC