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VIA EMAIL

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**Limited Request for Reconsideration of Executive Director's
Determination: Attachment A to the Investigation Report Calpine
Russell City Steam Turbine/Generator Event May 27, 2021, Russell City
Energy Center (01-AFC-07C)**

Dear Jeffery Harris:

The California Energy Commission (CEC) has received Russell City Energy Company, LLC's (RCEC/applicant) limited request for reconsideration of the Executive Director's determination, dated August 19, 2022.

Procedural Background:

On May 2, 2022, RCEC filed a redacted Investigation Report of the May 27, 2021 steam turbine generator event. On May 6, 2022, RCEC filed a Repeated Application for Confidential Designation covering: 1) Attachment A photos to the Investigation Report, and 2) Bay Valve Report photos. Applicant cited prior response letters (dated February 2, 2022, and April 21, 2022)¹ that granted confidential designation to photographs depicting facility equipment. On June 6, 2022, the executive director denied confidential designation to the Bay Valve

¹ The April 21, 2022 Executive Director Response letter granted confidential designation under the Government Code 6255 balancing test to two photos showing details of facility equipment and site-specific information. [TN242738] The February 2, 2022 Executive Director Response letter granted confidentiality under the public interest balancing test to photos of "facility equipment and related systems" not directly related to the May 27, 2021 incident. [TN241378.]

Report photos in its entirety and granted confidential designation to specific photos in Attachment A that were previously determined to be confidential. The remaining photos in Attachment A were denied confidentiality.

On July 5, 2022, RCEC filed a "Supplemental Repeated Application for Confidential Designation" requesting confidentiality for "specific photos and locational information contained in Attachment A to the Investigation Report" and "information contained in reports from the Bay Valve Service center (Bay Valve Report)." On August 10, 2022, the executive director again denied confidentiality to the Bay Valve Report in its entirety and to the Appendix A photos not previously designated as confidential.

On August 19, 2022, applicant filed the instant Limited Request for Reconsideration and Tolling of Time for Appeal of Executive Director's Determination. In their August 19 request for reconsideration, applicant states that they "disagree" but "will not challenge" the executive director's prior determinations as to the Bay Valve Report and Attachment A - Figures 17, and Figures 25 through 37. However, applicant requests reconsideration of the denial of confidentiality for Attachment A - Figure 3 (lower image) through Figure 7, Figure 9, Figures 10-16, Figure 22, and Figure 23.

Applicant cites a recent "significant security threat," the details of which were reported to CEC separately. Applicant also states that the photographs include "depictions of not only the internal layout of the RCEC, but disclose the location of key facility components, including piping, fire system, and drain locations, which are essential to the operation of this facility."

A properly filed Application for Confidentiality shall be granted under 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 [California Energy] Commission to keep the record confidential."

The photos at issue reflect images of expected standard equipment to be found in any combined cycle power plant. Photos of similar plants and equipment are widely available on the internet, in manuals, and on YouTube. Numerous photos showing turbine rotors, intact or damaged, within a powerplant are available through online searches. Applicant did not establish a nexus between the photos and the cited security event. As such, applicant has not made a reasonable claim that the photos should be confidential.

Executive Director's Determination

For the reasons stated, reconsideration of confidentiality for Appendix A - Figure 3 (lower image) through Figure 7, Figure 9, Figures 10-16, Figure 22, and Figure 23, is denied. Applicant's request to toll the 14-day period by which to request a confidentiality determination from the Commission, is granted.

Be advised that under California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy confidential records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose records, or release records previously designated as confidential, in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set forth in the California Code of Regulations, title 20, sections 2506-2508.

You may request that the CEC determine the confidentiality of records that the executive director denied confidential designation. You have 14 days to request that the CEC determine the confidentiality of the record. If you make such a request, the CEC will conduct a proceeding pursuant to the provisions in California Code of Regulations, title 20, section 2508.

If you have procedural questions concerning this matter, please email Jared Babula at jared.babula@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director