

**DOCKETED**

<b>Docket Number:</b>	23-OPT-01
<b>Project Title:</b>	Fountain Wind Project
<b>TN #:</b>	248368
<b>Document Title:</b>	Fountain Wind, LLC's Application Form for Confidential Submittal
<b>Description:</b>	N/A
<b>Filer:</b>	Caitlin Barns
<b>Organization:</b>	Stantec Consulting Services, Inc.
<b>Submitter Role:</b>	Applicant Consultant
<b>Submission Date:</b>	1/11/2023 3:01:35 PM
<b>Docketed Date:</b>	1/11/2023



**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**(Title 20 Cal. Code. Regs., § 2505 et seq.)**

CEC-13 (Revised 11/2021)

CALIFORNIA ENERGY COMMISSION

**All confidential filings:** Individual documents may not exceed 30 MB<sup>1</sup> or be password protected.<sup>2</sup> The application must be a separate document from the confidential materials. The application itself is not confidential and is a public record. The application will be reviewed and acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd (a))

If you have questions, contact the Docket Unit at (916) 654-5076 or email [docket@energy.ca.gov](mailto:docket@energy.ca.gov)

**Existing proceedings** Applications for confidentiality and the confidential documents must be uploaded directly to the Docket Unit through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on most proceeding webpages labeled **"Submit e-filing."** Alternatively, go to [https://efiling.energy.ca.gov/Login.aspx?perms\\_1&returnurl=http%3A//efiling.energy.ca.gov/EFiling/EfileSelect/Proceeding.aspx](https://efiling.energy.ca.gov/Login.aspx?perms_1&returnurl=http%3A//efiling.energy.ca.gov/EFiling/EfileSelect/Proceeding.aspx). Registration is necessary the first time documents are uploaded. Once registration is complete, to submit a confidential filing click on **Quick Actions** from the **DASHBOARD** and select **Submit Confidential e-filing** from the dropdown list. The application must be uploaded first followed by one or more confidential files.

**Filings not associated with any proceeding** Applications for confidentiality and the confidential materials must be submitted directly to the **Docket Unit** in paper form or on a CD, but not by email. Two copies must be submitted, on separate media if electronic, each marked with a descriptive title and "Confidential" (§ 1208.1)

**TO: Energy Commission Docket Unit**

Applicant: Fountain Wind, LLC

Address: 1001 McKinney, Suite 700, Houston, TX 77002

Phone and E-mail: 281.520.6995 // [henry.woltag@connectgenllc.com](mailto:henry.woltag@connectgenllc.com)

Proceeding or Project Name: Fountain Wind Project

Docket Number 23-OPT-01

1(a) Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

Please see the attached letter from Fountain Wind, LLC, which provides responses to Items 1-5

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1(b) Specify the part(s) of the information or data for which you request confidential designation

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<sup>1</sup> Contact the Docket Unit if you cannot reduce the size of your file.

<sup>2</sup> If you wish to protect the files while in transit, you may combine them in a password-protected zip file..



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CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

2 State and justify the length of time the Energy Commission should keep the information or data confidential.

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\_\_\_\_\_

3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

\_\_\_\_\_

3(b) Discuss the public interest in nondisclosure of the material submitted for a 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.

\_\_\_\_\_  
\_\_\_\_\_  
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4 State whether the information or data can 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.

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

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\_\_\_\_\_

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

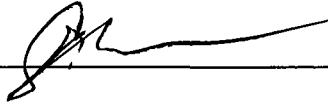
Dated: \_\_\_\_\_

Signed \_\_\_\_\_



**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**(Title 20 Cal. Code. Regs., § 2505 et seq.)**  
CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

Name (print or type)  **Sara Parsons**  
Title (print or type) \_\_\_\_\_ **Authorized Representative**  
Representing Fountain Wind, LLC

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.

LEGAL  
JAS

January 6, 2023

Drew Bohan  
Executive Director  
California Energy Commission  
715 P Street  
Sacramento, CA 95814

**RE: Fountain Wind Project (Docket No. 23-OPT-01), Application for Confidential Designation**

Dear Mr. Bohan,

Pursuant to Title 20, section 2505(a), of the California Code of Regulations, Fountain Wind, LLC (the "Applicant") hereby submits this *Application for Confidential Designation* for various cultural resource reports and surveys and CAISO interconnection studies submitted in support of the Application for Certification for the Fountain Wind Project.

Please contact us at 281-520-6995 or hwoltag@connectgenllc.com if you have any questions or require additional information regarding this application.

\* \* \*

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.*

The Applicant seeks confidential designation for the following documents:

<b>Attachment/Title</b>	<b>Date</b>	<b>Description</b>	<b>No. of Pages</b>
A. Fountain Wind Energy Project Cultural Resources Phase 1 Report	December 6, 2019	Maps of the study area with locations of cultural resources depicted.	93
B. Fountain Wind Project Supplemental Cultural Survey	November 4, 2020	Maps of the study area with locations of cultural resources depicted.	14
C. DPR Forms Part 1 and 2	Multiple dates	Copies of the DPR Forms for cultural resources located in the study area.	115 (Part 1) 175 (Part2)
D. System Impact Study	November 6, 2016	California Independent System Operator ("CAISO") Phase I	26

		Interconnection Study Report.	
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*b. Parts of the information or data for which you request confidential designation.*

The cultural resources information (attachments A, B, and C) should be kept confidential in its entirety as it contains sensitive and confidential information regarding cultural resources, including tribal cultural resources and archaeological resources.

The trade secret information (attachment D) should be kept confidential in its entirety.

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

The cultural resources information (attachments A, B, and C) should be kept confidential indefinitely in order to protect the cultural resources identified therein.

The trade secret information (attachment D) should be kept confidential for the operating life of the facility.

*3. Cite and discuss:*

- a. the provisions of the Public Records Act or other law that allow the Commission to keep the information or data confidential, and explain why the provision applies to the material.*
- 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.*

Cultural resources information (attachments A, B, and C): The Public Records Act exempts from disclosure (1) information regarding Native American places, features, and objects and (2) archaeological site information and reports maintained by or in the possession of state or local agencies. (See Govt. Code §§ 7927.000, 7927.005.) These provisions apply to attachments A, B, and C, which contain information regarding both Native American places, features and objects, and archaeological site information and reports maintained as confidential by the California Office of Historic Preservation and California Department of Parks and Recreation.

Government Code section 7922.000 further provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure. The public interest in nondisclosure outweighs that of disclosure, as disclosure may enable the location of sensitive cultural resources sites by thieves, vandals, or persons conducting unauthorized collection of materials.

Trade secret information (attachment D): The Public Records Act specifically exempts "corporate financial records, corporate proprietary information including trade secrets, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within

California.” (Gov’t Code § 7927.605(a).) Attachment D contain trade secrets related to the Applicant’s technologies, as well as commercially valuable information related to the Applicant’s interconnection queue. Attachment D includes commercially sensitive transmission planning and cost information that falls within the definitions of “trade secret” and has independent economic value from not being generally known to the public or to the Applicant’s competitors. Disclosure of Attachment D may cause a loss of competitive advantage to the Applicant, as competitors could ascertain transmission planning and cost information that may affect bids in competitive solicitations. Attachment D also is a non-public document that includes commercially sensitive, transmission planning and cost information related to the siting of a wind energy facility, exempt from disclosure under section 7927.605(a). Finally, the Applicant understands that CAISO maintains as confidential all commercially sensitive information relating to a submitter’s technology, research and development, business affairs, and pricing contained in interconnection study documents for the term of the interconnection agreement. The CEC should similarly maintain this information as confidential here.

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 contained within the cultural resources documents (attachments A, B, and C). However, even with masking or aggregation, the Applicant believes that disclosure of the documents could improperly disclose the location of sensitive cultural resources sites. Information within the cultural resources information that can be publicly disclosed will be provided in the Cultural Resources section of the Application for Certification.

The Applicant considered whether it would be possible to aggregate or mask portions of the trade secret information (attachment D), and it may be possible to aggregate or redact certain portions. However, the Applicant requests that the CEC consult with both the CAISO and the Applicant to make this determination to ensure that important trade secret information is not disclosed.

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.*

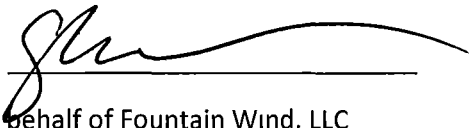
The Applicant has not disclosed any of the subject information in the cultural resources information (attachments A, B, and C) to anyone other than its employees, attorneys, and consultants working on the Project. The cultural resources information also was disclosed confidentially to Shasta County during its previous consideration of the Project.

The trade secret information (attachment D) is accessible only to employees or consultants providing essential services to the Project, and to certain entities such as the CAISO and CEC that have responsibilities relating to transmission planning or the Project.

*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 Applicant.*

Dated: January \_\_, 2023

LEGAL  
JP

By: 

On behalf of Fountain Wind, LLC

Its: \_\_\_\_\_

**Sara Parsons**  
Authorized Representative

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