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| Project Title: | Darden Clean Energy Project |
| TN #: | 254398 |
| Document Title: | DR-TSD-1_Application for Confidential Designation |
| Description: | DR-TSD-1 Application for Confidential Designation |
| Filer: | Becky Moores |
| Organization: | Intersect Power |
| Submitter Role: | Applicant |
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Subject: Application for Confidential Designation – Data Request Response to DR TSD-1
23-OPT-02 Darden Clean Energy Project Opt-in Application

To whom it may concern:

IP Darden I, LLC and Affiliates (“**IP Darden**”) c/o Intersect Power, LLC as applicant for the Darden Clean Energy Project, requests that the attached information be designated as confidential pursuant to 20 California Code of Regulations (CCR) Section 2505. This information is being supplied to the California Energy Commission (“**CEC**”) in response to Attachment B Title 20, Data Requests received from the CEC on December 11, 2023, for the opt-in application for the Darden Clean Energy Project docketed on November 10, 2023.

To support the Application for Confidential Designation, the following information has been provided and is consistent with the information requested in the Application for Confidential Designation (Title 20 Cal. Code. Regs., § 2505 Et Seq.) Revised 4/2023.

Applicant: IP Darden I, LLC and Affiliates c/o Intersect Power, LC

Address: 9450 SW Gemini Drive, PMB #68743 Beaverton, Oregon 97008-7105

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

California Independent System Operator Phase I Interconnection Study for the Darden Clean Energy Project dated September 15, 2022:

- Appendix A – Q1949, Queue Cluster 14 Phase I Study Final Report, 20 pages
- Attachment 10 Substation and Transmission line Work Scope, 9 pages
- Attachment 8 Preliminary Protection Requirements, 7 pages
- PG&E South 500 kV Interconnection Area Study Report, 54 pages
- Appendix B System Assumptions 70 pages
- Appendix C Contingency Lists, 632 pages
- Appendix E Reliability Power Flow Results, 233 pages
- Appendix G Reliability Assessment Results, 9 pages
- Appendix H Short Circuit Study Results, 169 pages
- Appendix I Deliverability Assessment Results, 25 pages
- Appendix K Interconnection Area Map, 3 pages

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

The documents referenced in 1(a) in their entirety.

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

It is requested that all documents referenced in 1(a) associated with the California Independent System Operator Phase I Interconnection Study be kept confidential indefinitely unless approved for public release by the California Independent System Operator (“**CAISO**”). Request for confidentiality is justified due to the confidentiality agreements (i.e. GIDAP Appendix DD and the NDA) by and between IP Darden and CAISO related to the documents referenced in 1(a).

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.

Under “Cal. Code Regs. Tit. 20, § 2505 - Designation of Confidential Records” (b) states: “When another federal, state, regional, or local agency or state-created private entity, such as the California Independent System Operator, possesses information pertinent to the responsibilities of the Commission that has been designated by the agency as confidential under the Public Records Act, or the Freedom of Information Act, the Commission, the Executive Director, or the Chief Counsel may request, and the agency shall submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.”

CAISO has designated the documents referenced in 1(a) as confidential.

Specifically, pursuant to an Appendix DD, Generator Interconnection and Deliverability Allocation Procedures document, dated August 2, 2023, as provided by CAISO to IP Darden (the “**GIDAP Appendix DD**”), it was acknowledged by and between CAISO and IP Darden during a meeting on November 30, 2022, that the following documents shall be treated as confidential:

- Appendix A – Q1949, Queue Cluster 14 Phase I Study Final Report, 20 pages
- Attachment 10 Substation and Transmission line Work Scope, 9 pages

Additionally, pursuant to a Non-Disclosure Agreement by and between Intersect Power, LLC and CAISO, dated February 28, 2017 (the “**NDA**”), the following documents shall be treated as confidential:

- Attachment 8 Preliminary Protection Requirements, 7 pages
- PG&E South 500 kV Interconnection Area Study Report, 54 pages
- Appendix B System Assumptions 70 pages
- Appendix C Contingency Lists, 632 pages
- Appendix E Reliability Power Flow Results, 233 pages
- Appendix G Reliability Assessment Results, 9 pages
- Appendix H Short Circuit Study Results, 169 pages
- Appendix I Deliverability Assessment Results, 25 pages
- Appendix K Interconnection Area Map, 3 pages

Pursuant to the GIDAP Appendix DD and the NDA, and in alignment with Cal. Code Regs. Tit. 20, § 2505, all of the documents referenced in 1(a) in their entirety shall be kept confidential.

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.

It is in the public interest to have nondisclosure of the documents referenced in 1(a) to ensure that Cal. Code Regs. Tit. 20, § 2505 is lawfully upheld and that information CAISO has deemed confidential is treated as such.

Additionally, it is in the public interest to have nondisclosure of the documents referenced in 1(a) to ensure industry competitiveness and trade secrets are maintained, therefore maintaining the competitiveness of the CAISO power market and keeping consumer energy prices at competitive levels.

CAISO's estimates for the Network Upgrades and Interconnection Facilities completion timing and costs associated with upgrades applicable to the Project are confidential between CAISO and the Interconnection Customer, constituting a trade secret due to the private and confidential nature of agreement(s) between the two parties. These estimated costs and completion timing directly impact IP Darden's forecasted economic standing and could be detrimental for the Project if external competitors were able to gain this information. Public disclosure of this information would negatively impact IP Darden's competitive ability to negotiate with third parties on an ongoing basis given the confidential pricing and timing that has been secured and reflected in our estimates and forecasts. Industry competitors would be able to utilize this information to further their own negotiations with third parties with our data as leverage, enhancing their competitiveness and therefore negatively impacting IP Darden.

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.

The information in the document cannot be disclosed even if aggregated or masked due to the confidential designation imposed by CAISO under the GIDAP Appendix DD and the NDA.

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.

The information contained within the document referenced in 1(a) has not been disclosed to a person other than an employee or contractor(s) working on behalf of IP Darden and under non-disclosure agreements.

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.

IP Darden I, LLC



By: Simon Ross, Chief Commercial Officer

Date: February 9, 2024