

<b>DOCKETED</b>	
<b>Docket Number:</b>	21-AFC-02
<b>Project Title:</b>	Willow Rock Energy Storage Center
<b>TN #:</b>	254786
<b>Document Title:</b>	Willow Rock Energy Storage Center Applicaiton for Confidentiality for Heat and Mass Balance Diagram
<b>Description:</b>	N/A
<b>Filer:</b>	Deric Wittenborn
<b>Organization:</b>	Ellison Schneider Harris & Donlan LLP
<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	3/1/2024 5:00:29 PM
<b>Docketed Date:</b>	3/4/2024



March 1, 2024

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

RE: **Willow Rock Energy Storage Center (21-AFC-02): Application for Confidential Designation for Supplemental AFC Appendix 2C, Heat and Mass Balance Diagram**

Dear Mr. Bohan:

Pursuant to Sections 2505 et seq., of Title 20 of the California Code of Regulations, GEM A-CAES LLC (the “Applicant”) hereby submits this *Application for Confidential Designation* for Appendix 2C, Heat and Mass Balance Diagram, of the Supplemental Application for Certification of the Willow Rock Energy Storage Center.

Please contact us at (916) 447-2166 if you have any questions or require additional information. Thank you.

Sincerely,

/s/

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**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**Willow Rock Energy Storage Center (21-AFC-02)**

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.*

GEM A-CAES LLC (“Applicant”) seeks confidential designation for the following engineering information (the “Information”) submitted on behalf of the Willow Rock Energy Storage Center (“WRESC”):

AFC Appendix Number	Title	AFC Subject Area/ Description	# of Confidential Pages
2C	Heat and Mass Balance Diagram	Section 2.0 – Project Description	All pages

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

The Information 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 Information should be kept confidential for the operating life of the facility because the Information contains valued and protected trade secrets.

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.*

The Public Records Act (Govt. Code § 7920.000 et. seq.) exempts “trade secrets” from public disclosure, including “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 service . . . and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.” (Govt. Code § 7924.510(f).) Appendix 2C is a non-public document that includes commercially sensitive project design information for the WRESC. This information has independent economic value from not being generally known to the public or to the Applicant’s competitors who can obtain economic value from its disclosure or use as the specific information is directly

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related to not only generation from the facility, but costs as well. Disclosure may cause a loss of competitive advantage to the Applicant as competitors could utilize the information in a manner that affects bids in competitive solicitations or otherwise use the specific details for their economic benefit to the detriment of the Applicant.

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 portions of the Information. It may be possible to prepare a non-confidential version of the heat and mass balance diagram. If needed, the Applicant requests that the CEC work with the Applicant to prepare a non-confidential version.

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 or consultants providing essential services to the Applicant who are required to keep the Information confidential and has been disclosed to certain entities such as the California Energy Commission that have responsibilities relating to the WRESC. The Information has not been made publicly available through the previous AFC filing because the Information here is distinct from the prior Heat and Mass Balance Diagram.

*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, GEM A-CAES LLC, a Limited Liability Company.*

Dated: March 1, 2024

By:

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/s/

Samantha G. Neumyer  
Ellison Schneider Harris & Donlan LLP

*Attorneys for Applicant*