

DOCKETED	
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Project Title:	Abengoa Mojave Compliance
TN #:	256231
Document Title:	Application for Confidential Designation for MSP Responses to Data Requests for MSP (09-AFC-05C) Addition of Two New Evap Pond
Description:	N/A
Filer:	Mahnaz Ghamati
Organization:	Abengoa Solar
Submitter Role:	Applicant
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Mojave Solar LLC

42134 Harper Lake Road
Hinkley, California 92347

May 6, 2024

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

RE: Application for Confidential Designation for MSP Response to Data Requests for Mojave Solar Project (09-AFC-05C) Addition of Two New Evaporation Ponds

This application for confidential designation is submitted on behalf of the Mojave Solar Project (09-AFC-05C).

1. Contact Information: (20 CCR 1208.1)

Applicant Name: Mojave Solar, LLC
Applicant Contact: Mahnaz Ghamati
Phone Number: 760-308-0418
Email: Mahnaz.ghamati@atlantica.com
Proceeding Name: Mojave Solar Project Compliance
Docket Number: 09-AFC-05C

2. Title, date, and description (including number of pages) of the information or data for which you request confidential designation. (20 CCR 1208.1.)

MSP Two New Permanent Evaporation Ponds- Data Requests-Responses, Attachment 1, Inflow and Outflow Data (2 pages) submitted on May 6, 2024.

3. Specify the part(s) of the information or data for which you request confidential designation. (If the data is in charts or spreadsheets, highlighting is sufficient.) (20 CCR 2505(a)(1)(B.))

The detailed monthly inflow, monthly outflow, and megawatt-hour production information should be kept confidential. Portions of Attachment 1 that can be made public have been included as part of the Data Request Response filing.

4. State and justify the length of time the CEC should keep the information or data confidential. The term requested must be relevant to the stated basis for confidentiality. (20 CCR 2505(a)(1)(C.))

The information should be kept confidential for the operating life of the facility.

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5. **State the provision(s) of the California Public Records Act or other law that allows the CEC to keep the information or data confidential and explain why the provision(s) apply to that material. (See Gov. Code, §§ 7920.000-7930.215.) (20 CCR (a)(1)(D.))**

Please see below.

6. **If the applicant believes that the information or data should not be disclosed because it contains trade secrets or its disclosure would otherwise cause a loss of a competitive advantage, the application also shall state: (20 CCR (a)(1)(D.))**
 - (a) **the specific nature of that advantage,**
 - (b) **how the advantage would be lost,**
 - (c) **the value of the information to the applicant, and**
 - (d) **the ease or difficulty with which the information could be legitimately acquired or duplicated by others.**

Government Code section 7924.510 allows the CEC to exempt from disclosure trade secret information. Trade secrets include production data or compilation of information that meets the following requirements: (1) is not patented; (2) only known to certain individuals within a commercial concern who are using it to “fabricate, produce, or compound an article of trade or a service having commercial value”; and (3) gives its users a business advantage over competitors who do not know or use it. Attachment 1 contains sensitive business information relating to the production of electricity by the facility that constitutes the applicant’s trade secret. Attachment 1 also contains information regarding specific water use, including inflow-outflow, to power production information on a granular level that is not readily available to the public. This specific information is not patented, only known to the applicant and its employees/contractors and gives the applicant an advantage over competitors who do not know the specific details of the applicant’s power production process. The CEC is also authorized to withhold the information from disclosure under Government Code section 7922.000 where it finds that the public interest served by nondisclosure clearly outweighs the public interest served by disclosure. Here, the public interest served in nondisclosure outweighs that of disclosure, as nondisclosure of information that potentially affects market competition and thus the price of electricity benefits the public as consumers.

7. **State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions. State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why. (20 CCR 2505(a)(1)(E.))**

Aggregated forms of the information, such as that included in the Data Responses, can be publicly disclosed. For example, annual generation from the Mojave Solar Project is already publicly available through the California Energy Commission’s QFER Data Tables. However, the specific monthly breakdowns as provided in Attachment 1 should be kept confidential.

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- 8. State how the information or data 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. (20 CCR 2505(a)(1)(F.))**

The detailed monthly inflow, monthly outflow, and megawatt-hour production information is kept confidential by the applicant, and disclosed only to employees/contractors or regulatory agencies with jurisdiction over the facility or the information.

ATTESTATION AND VERIFICATION

I, Mahnaz Ghamati 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 that I am authorized to make the application and certification on Mojave Solar, LLC's behalf.

Sincerely,

Mahnaz Ghamati

BY:

Mahnaz Ghamati
Quality, Environmental, & Compliance
Manager
Mojave Solar, LLC
42134 Harper Lake Road
Hinkley, CA 92347
Mahnaz.ghamati@atlantica.com