

DOCKETED	
Docket Number:	23-OPT-01
Project Title:	Fountain Wind Project
TN #:	256569
Document Title:	CEC response letter re supplement to confidentiality application, dated March 8, 2024
Description:	N/A
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May 28, 2024

Via Email

Henry Woltag
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Houston, Texas 77002
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**Application for Confidential Designation: Fountain Wind Project
Docket No. 23-OPT-01**

Dear Henry Woltag:

On March 08, 2024, the California Energy Commission (CEC) received the Fountain Wind, LLC (applicant) submission of supplemental information (TN 254929) for its Application for Confidential Designation (TN 254006) covering the following 12 records relating to transmission planning:

1. Fountain Wind 2019 Reassessment Report Cover Letter
2. 2019 Generator Interconnection Reassessment Study Report
3. Fountain Wind 2019 Generator Interconnection Reassessment Report Addendum
4. 2019 Generator Interconnection Reassessment Study Appendix B – System Assumptions
5. 2019 Generator Interconnection Reassessment Study Appendix E – Reliability Power Flow Results
6. 2019 Reassessment PGE North Interconnection Area Appendix G –Reliability Assessment Results
7. 2019 Reassessment PG&E North Interconnection Area Appendix I – Deliverability Assessment Results
8. Response to Modification Request for Fountain Wind (CAISO Queue #1106) Letter – February 15, 2018
9. Response to Modification Request for Fountain Wind (CAISO Queue #1106) Letter – December 27, 2018
10. Response to Suspension Request for Fountain Wind (CAISO Queue #1106) Letter – December 27, 2018
11. Request to Recommence only Design and Engineering Work on the Fountain Wind Project (Queue #Q1106) Letter – July 23, 2020
12. Response to Modification Request for Fountain Wind (CAISO Queue #1106) Letter – October 31, 2022

On February 20, 2024, the CEC issued its Response to the Application for Confidential Designation (TN 254573), granting the application with respect to documents 2-7. The CEC denied the application with respect to documents 1 and 8-12. The applicant accepts the CEC's determination for documents 1, 10, and 11 and is seeking to clarify and supplement information regarding documents 8, 9, and 12. The applicant asserts documents 8, 9, and 12 contain trade secrets including commercially sensitive transmission planning and cost information related to the siting of the Fountain Wind Project and that disclosure of these documents would cause a loss of competitive advantage under California Code of Regulations, title 20, section 2505(a)(1)(D). The applicant requests that the documents be kept confidential in their entirety for the operating life of the 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 applicant states in its submission of supplemental information, that documents 8, 9, and 12 include commercially sensitive trade secret information regarding the applicant's interconnection process. Specifically, the applicant clarified that the CEC previously granted confidentiality for documents 8 and 9 (TN 251176) on July 26, 2023, and therefore requests that the CEC maintain these documents as confidential, consistent with that determination, and delete the duplicate submissions from the proceeding's docket. Additionally, the applicant explained that document 12 is similar to documents 8 and 9 and contains the California Independent System Operator's response to the applicant's Material Modification Assessment request, which is an amendment to the project's Large Generator Interconnection Agreement. The applicant notes that the CEC previously deemed the Large Generator Interconnection Agreement as confidential and should therefore similarly designate the amendment as confidential. Further, the applicant provided additional details and states that document 12 contains commercially sensitive trade secret information regarding the applicant's proposed commercial operation date, the timeline of network upgrades, and energy deliverability status. The applicant states that this information is not provided to the public and disclosing this information could affect interconnection queue positioning and bids in competitive solicitations for interconnection, procurement, and power purchase agreements.

The CEC and the applicant discussed the previous denial and the applicant's request for the CEC to consider supplemental information in a meeting on February 27, 2024. In this meeting, the applicant reiterated their argument that confidentiality was warranted due to trade secrets, commercially sensitive information, and competitive disadvantages.

Executive Director's Determination

The additional information provided to the CEC explaining the contents of document 12 and the impacts of publicly disclosing the document support a finding that the applicant has met its burden in its claims of confidentiality and commercially sensitive information. The CEC will maintain document 12 as confidential for the operating life of the facility.

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Additionally, the CEC will maintain documents 8 and 9 as confidential, consistent with its prior determination.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506 through 2508.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal stroke extending to the right.

Drew Bohan
Executive Director