

DOCKETED	
Docket Number:	24-OPT-03
Project Title:	Soda Mountain Solar
TN #:	257900
Document Title:	Application for Confidential Designation - System Impact Restudy (CONFIDENTIAL)
Description:	Application for Confidential Designation for Appendix O1 and Appendix O2
Filer:	Hannah Gbeh
Organization:	Resolution Environmental
Submitter Role:	Applicant Consultant
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Confidential Docket Request

July 22, 2024

Via Docket Unit E-Filing System

California Energy Commission

715 P Street

Sacramento, CA 95814

RE: Soda Mountain Solar Project Application for Confidential Designation

To whom it may concern:

Soda Mountain Solar LLC, as applicant for the Soda Mountain Solar Project (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 the appendices listed below in support of the Applicant's Opt-In Application for the project.

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 (20 CCR § 2505 et seq.)

Applicant: Soda Mountain Solar LLC

Address: 110 Edison Place, Suite 312, Newark, New Jersey, 07102

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

- Appendix O1, Final Report, System Impact Restudy (Energy Resource Interconnection Request) Soda Mountain (Q-6), July 2022, All Pages
- Appendix O2, Mead-Adelanto Project Large Generator Interconnection Agreement (LGIA) Among Southern California Public Power Authority (BP 13-042), All Pages

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

All documents referenced in 1a in their entirety.

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

All documents associated with Appendix O1 and Appendix O2 should be kept confidential indefinitely unless approved for public release by the California Independent System Operator (CAISO). An indefinite length of time is needed to ensure that Soda Mountain Solar LLC is not in violation of any of its nondisclosure agreements with its partners and to ensure this information remains secure from market participants who could otherwise make competitive use of this information to the detriment of Soda Mountain Solar LLC and its current or future negotiations with counterparties.

The request for confidentiality of an indefinite period is justified due to the confidentiality agreements related to the documents referenced in 1(a). These documents should be made confidential due to the CAISO's confidential designation.

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.

CAISO has designated the documents referenced in 1(a) as confidential. 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.*" Due to the fact that the CAISO has designated the documents referenced in 1(a) as confidential, these documents should be kept confidential indefinitely.

Under 20 CCR § 2505(a)(1)(D), "[i]f the applicant believes that the record should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, the application shall also state the specific nature of that advantage and how it would be lost, including 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." Such trade secrets may include "any formula, plan, . . . process, tool, mechanism, . . . procedure, 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 having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it." (Gov. Code, § 6254.7(d); see id. at §§ 6254(k), 6254.15.)

Disclosure of the documents identified above would create a significant market disadvantage for Soda Mountain Solar LLC, compromise Soda Mountain Solar LLC's bargaining position during contract negotiations, provide competitors an advantage, and compromise Soda Mountain Solar LLC's competitive position in the CAISO power market through the disclosure of trade secrets. These Appendices contain commercially sensitive information on the estimated and forecasted capital costs for the Project and its many components. Additionally, such disclosure and corresponding market disadvantage may result in higher energy prices for consumers.

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.

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

It is in the public interest to protect the information in Appendices O1 and O2 from public disclosure 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 Soda Mountain Solar LLC's forecasted economic standing and could be detrimental to the Project if external competitors were able to gain this information. Public disclosure of this information would negatively impact Soda Mountain Solar LLC'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 Soda Mountain Solar LLC.

Additionally, disclosure of the information contained in Appendices O1 and O2 would enable counterparties to reverse-engineer expected returns, capital cost components, and other key details of the Project that would lessen Soda Mountain LLC's negotiating power. If counterparties were internally estimating a materially different amount than what is disclosed, this information would impact and inform their negotiation strategy going forward. Competitors could also leverage this information to secure more favorable agreements for themselves by leveraging the results that Soda Mountain Solar LLC has achieved, further harming Soda Mountain Solar LLC's competitive advantage in the renewable energy development industry given the commercial terms already achieved privately. Disclosing these trade secrets and commercially sensitive data would lead to Soda Mountain Solar LLC's loss of a competitive advantage.

The information set forth in Appendices O1 and O2 could not be legitimately acquired or duplicated by others. Soda Mountain Solar LLC's Project cost figures have been carefully assembled, leveraging myriad internal resources, including commercial partnerships, existing agreements, proprietary in-house knowledge, and prior project experience. This information is not publicly available and has not been disclosed to anyone other than employees, attorneys or consultants working with Soda Mountain Solar LLC, and only once such parties have executed confidentiality agreements, because Soda Mountain Solar LLC considers such information to be commercially sensitive, proprietary information, and trade secrets. Soda Mountain Solar LLC has taken reasonable steps to preserve the confidentiality of this information.

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.

CAISO has designated the documents referenced in 1(a) as confidential. The information disclosed in the confidential Appendices O1 and O2 cannot be disclosed even if aggregated or masked due to the confidential designation imposed by CAISO and the nature of capital costs. Any and all details pertaining to capital cost are considered a trade secret and a significant component of Soda Mountain Solar LLC's competitive advantage in the industry. Additionally, the information

contained in these Appendices cannot be disclosed even if aggregated or masked due to the existence of the confidentiality agreements under which this information was collected.

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.

CAISO has designated the documents referenced in 1(a) as confidential. The information contained within the confidential Appendices O1 and O2 has not been disclosed to a person other than an employee, attorney, or consultant working on behalf of Soda Mountain Solar LLC and under confidentiality 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.

Signature:



Michael Cocchimiglio
CEO & Head of Development