

DOCKETED	
Docket Number:	24-OPT-05
Project Title:	Corby Battery Energy Storage System Project
TN #:	259904
Document Title:	NextEra Request For Confidentiality - Appendix 3A - TSE Impact Studies - Corby BESS
Description:	N/A
Filer:	Scott Galati
Organization:	DayZenLLC
Submitter Role:	Applicant Representative
Submission Date:	11/5/2024 8:57:16 AM
Docketed Date:	11/5/2024



November 4, 2024

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

Subject: *Application for Confidential Designation*
Appendix 3-A TRANSMISSION SYSTEM IMPACT STUDIES
CORBY BATTERY ENERGY STORAGE SYSTEM PROJECT
SOLANO COUNTY, CALIFORNIA
OPT-IN APPLICATION 24-OPT-05

Dear Mr. Bohan,

North Bay Interconnect, LLC and Corby Energy Storage, LLC, wholly-owned subsidiaries of NextEra Energy Resources (NextEra), as owner of the Corby Battery Energy Storage System Project (Project), requests that the attached information be designated confidential pursuant to 20 California Code of Regulations (CCR) Section 2505. This information is being supplied to the California Energy Commission (CEC) as required by CEC regulation and in support of its Opt-In Application docketed on November 4, 2024.

In support of its Application for Confidential Designation, NextEra provides the following information:

APPLICANT: North Bay Interconnect, LLC
 Corby Energy Storage, LLC

ADDRESS: 700 Universe Blvd
 Juno Beach, Florida 33408

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

APPENDIX 3-A – SYSTEM IMPACT STUDIES

1. **Queue Cluster 9 Phase I Study**, dated January 17, 2017
2. **Queue Cluster 9 Phase II Study**, dated November 22, 2017
3. **2021 Generator Interconnection Reassessment Report Addendum #4 to the Cluster 9 Final Phase II Study Report**, dated August 31, 2021.
- 4.

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

The reports identified above in 1(a) in their entirety.

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

The reports identified above should be kept confidential for the life of the Project or until the California Independent System Operator (CAISO) and Pacific Gas & Electric (PG&E) determine the information is no longer subject to the existing Non-Disclosure Agreement (NDA) or the confidentiality rules contained in the CAISO tariff.

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.*

Section 7922.000 of the California Government Code allows the Commission to exempt from disclosure any information based on “the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” See Section 3 (b) below.

Section 7924.510(f) of the California Government Code allows the Commission to exempt from disclosure information that constitutes or contains a trade secret which includes:

including “any formula, plan, pattern, process, tool, mechanism, compound, 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...and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.”

The System Impact Studies (SISs) identified in 1 (a) above contain trade secrets related to commercially valuable information related to the interconnection of the Project to the California transmission system. The SISs are non-public documents that include commercially sensitive, transmission planning and cost information that fall within the definitions of “trade secret.” The SISs contain information that has independent economic value from not being generally known to the public or to the NextEra’s competitors who can obtain economic value from its disclosure or use. Disclosure may cause a loss of competitive advantage to the NextEra, as competitors could ascertain transmission planning and cost information that may affect bids in competitive solicitations. In addition, NextEra is party to an NDA applicable to the information contained in the SISs and the CAISO tariff provisions that require interconnection information contained in the SISs to be kept confidential. This is affirmed by the authors of the report stamping the documents “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.

The public interest served by not disclosing the SISs clearly outweighs the public interest served by disclosure. The SISs have been designated as confidential information by PG&E and the CAISO, is subject to an NDA and contain information that NextEra understands is considered by PG&E and CAISO to constitute critical energy and electricity infrastructure information. The CEC should similarly keep such information confidential as nondisclosure of the information will protect against potential misuse of the information for illicit purposes, such as vandalism, tampering, or other acts of terrorism. The public interest in preventing such acts clearly

outweighs the public interest served by disclosure of the information for which NextEra is seeking confidential designation.

Additionally, it is not necessary for the public to know the contents of the SISs in order to fully participate in the CEC permitting process and understand the potential effects on the environment from construction, operation and decommissioning of the Project. Therefore, there is no detriment to the public from non-disclosure.

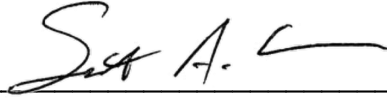
4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

NextEra believes the CEC staff will require the specific information contained in the report to properly perform its analysis. Aggregation of the information would hinder a complete CEC analysis. However, NextEra believes the CEC can incorporate a generalized summary of information contained in the SISs to properly state the basis for its analysis without disclosing information specific enough to violate NextEra's trade secrets and confidential critical energy and energy infrastructure information. Such disclosure would compromise the technical and location information of such infrastructure that could lead to vandalism and terrorist acts.

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.

NextEra has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the Project. Moreover, this information will not be disclosed to any other persons employed by or working for NextEra except on a "need to know" basis. NextEra is marking this information "Confidential" and is instituting a policy that segregates this information from other Project files and that access to it be restricted to a designated confidential information manager or managers within NextEra or its attorneys and consultants.

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 NextEra.

A handwritten signature in black ink, appearing to read "Scott A. Galati", written over a horizontal line.

Scott A. Galati
Counsel to
North Bay Interconnect, LLC
Corby Energy Storage, LLC
NextEra Energy Resources