

DOCKETED	
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Project Title:	Corby Battery Energy Storage System Project
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Document Title:	CEC Response letter to North Bay Interconnect, LLC and Corby Energy Storage, LLC, request for confidential designation - 3A
Description:	N/A
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December 05, 2024

Via Email

Scott Galati
DayZen LLC
1720 Park Place Drive
Carmichael, California 95608
sgalati@dayzenllc.com

**Application for Confidential Designation: Corby Battery Energy Storage System
Docket No. 24-OPT-05**

Dear Scott Galati:

On November 5, 2024, North Bay Interconnect, LLC and Corby Energy Storage, LLC, wholly owned subsidiaries of NextEra Energy Resources (applicant), submitted an application for confidentiality (TN 259904) to the California Energy Commission (CEC). The applicant is seeking confidential designation for Appendix 3-A Transmission System Impact Studies (SIS), which consists of:

- Queue Cluster 9 Phase I Study
- Queue Cluster 9 Phase II Study
- 2021 Generator Interconnection Reassessment Report Addendum #4 to the Cluster 9 Final Phase II Study Report

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 Commission to keep the record confidential."

The applicant requests the SIS be kept confidential for the life of the Corby Battery Energy Storage System Project (project), or until the California Independent System Operator (CAISO) and Pacific Gas and Electric determine the information is no longer subject to the existing Non-Disclosure Agreement (NDA) or the confidentiality rules contained in the CAISO tariff. The applicant claims it is in the public interest to have the documents deemed confidential to ensure industry competitiveness and maintain trade secrets. The applicant notes that it is not necessary for the public to know the contents of the SIS 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.

The applicant states that it believes CEC staff will require the specific information in the SIS to properly perform its analysis, however the applicant believes the CEC can incorporate a generalized summary of information contained in the SIS to properly state the basis for its analysis without disclosing information specific enough to violate the

applicant's trade secrets. The applicant states the information contained within the SIS has not been disclosed to a person other than the applicant's employees, attorneys, and contractors working on the project. Further, the applicant 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 designated confidential information managers.

Under California Code of Regulations, section 2505(b), "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 that 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."

Here, the applicant indicated that CAISO has designated the SIS as confidential, and the SIS is subject to an NDA. Therefore, the applicant has made a reasonable showing that the information contained in the SIS should be maintained as confidential due to CAISO's designation, in accordance with California Code of Regulations, title 20, section 2505(b).

Executive Director's Determination

The CEC designates the SIS confidential indefinitely but may be disclosed upon approval from CAISO.

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,



Drew Bohan
Executive Director