

DOCKETED

Docket Number:	24-OPT-04
Project Title:	Potentia-Viridi Battery Energy Storage System
TN #:	261463
Document Title:	Application for Confidential Designation for Potentia-Viridi BESS Socioeconomic Report
Description:	Levy Alameda, LLC ("Applicant"), as applicant for the Potentia-Viridi Battery Energy Storage System Project ("Project"), requests that the information identified below be designated as confidential pursuant to California Code of Regulations, title 20, section 2505. This information is being supplied to the California Energy Commission ("CEC") in support of the Applicant's opt-in application for the Project.
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A Capstone Infrastructure Corporation and Eurowind Energy A/S Joint Venture

January 29, 2025

California Energy Commission
715 P Street
Sacramento, CA 95814

**Re: Application for Confidential Designation
Potentia-Viridi Battery Energy Storage System
Docket Number 24-OPT-04**

To Whom It May Concern:

Levy Alameda, LLC (“Applicant”), as applicant for the Potentia-Viridi Battery Energy Storage System Project (“Project”), requests that the information identified below be designated as confidential pursuant to California Code of Regulations, title 20, section 2505. This information is being supplied to the California Energy Commission (“CEC”) in support of the Applicant’s opt-in application for the Project and in response to the CEC’s September 6, 2024 determination of incomplete application.

1. Contact Information. (20 CCR 1208.1)

Applicant Name: Levy Alameda, LLC

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Phone Number: 310-899-5340

E-mail: KStrain@capstoneinfra.com

Proceeding Name: Potentia-Viridi Battery Energy Storage System

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

Title	Date	Description	Pages
Appendix 3.10A: Socioeconomic Analysis	January 18, 2025	Study of the Project's socioeconomic impacts	71
IMPLAN Data Files	January 27, 2025	Data files (in JSON format) for the IMPLAN modeling program used to support the Project's socioeconomic study	N/A

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.))

Appendix 3.10A: Socioeconomic Analysis and the IMPLAN data files should be designated confidential in their entirety to preserve confidentiality of the Applicant's trade secrets and commercially sensitive information related to Project costs.

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 indefinitely to prevent a loss of competitive advantage from disclosure of the Applicant's trade secrets and commercially sensitive information.

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 2505(a)(1)(D.))

Trade secrets—defined as “information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy”—are exempt from disclosure under the California Public Records Act. (Gov't Code §§ 7927.605(a), 7927.705; Evid. Code § 1060; Civ. Code § 3426.1(d).) In addition, the public interest served by not disclosing this information clearly outweighs the public interest served by disclosure. (Gov't Code § 7922.000.)

Appendix 3.10A: Socioeconomic Analysis and the IMPLAN data files contain trade secrets and commercially sensitive information related to Project costs. It is in the public's interest to have nondisclosure of this information to ensure industry competitiveness and trade secrets are maintained. Disclosure of this information would create a significant market disadvantage for the

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Applicant, compromise the Applicant's position during contract negotiations, provide competitors an advantage, and compromise the Applicant's competitive position in the CAISO power market through the disclosure of trade secrets; this could result in higher energy prices for consumers.

- 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: (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. (20 CCR 2505(a)(1)(D.))**

The Applicant's estimated construction costs and estimated operations and maintenance costs for the Project constitute trade secrets because they reflect the Applicant's forecasted economic standing. The Applicant has a competitive advantage in that this information is not known by other parties, including counterparties with whom it is negotiating and industry competitors.

Disclosure of this information would lead to the Applicant's loss of a competitive advantage. Public disclosure of this information would negatively impact the Applicant's competitive ability to negotiate with third parties on an ongoing basis given the pricing that has been secured and reflected in these estimates. Disclosure of this information would enable counterparties and industry competitors to reverse-engineer expected returns, cost components, and other key details of the Project that would lessen the Applicant's negotiating power and market competitiveness. If counterparties were internally estimating a materially different amount than what is disclosed, this information would impact and inform their negotiation strategy going forward. Industry competitors also would be able to use this information to further their own negotiations with third parties by using this data as leverage, enhancing their competitiveness and therefore negatively impacting the Applicant.

This information could not be legitimately acquired or duplicated by others. The Applicant's Project cost figures have been carefully assembled, leveraging various internal resources, including commercial partnerships, existing agreements, proprietary in-house knowledge, and prior project experience.

- 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.))**

Information related to Project costs is presented in Chapter 3.10: Socioeconomics of the Project's Opt-In Application Information and in responses to the SOCIO data requests in a manner that does not disclose the Applicant's trade secrets and commercially sensitive information. The information related to Project costs in Appendix 3.10A: Socioeconomic Analysis and the IMPLAN data files cannot otherwise be aggregated or masked due to the nature of costs. Any and all details pertaining to Project costs are considered a trade secret and a significant component of the Applicant's competitive advantage in the industry.

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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.))

This information has been kept confidential by the Applicant and has not been disclosed to a person other than an employee, attorney, or consultant working on behalf of the Applicant under confidentiality agreements and/or duties of confidentiality.

* * *

Pursuant to California Code of Regulations, title 20, section 2505(a)(1)(G), 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. Levy Alameda, LLC is a limited liability company. I am authorized to make this application and certification on behalf of Levy Alameda, LLC.

Thank you for your consideration of this Application for Confidential Designation. Levy Alameda, LLC looks forward to working with the CEC in processing its opt-in application for the Project. If you have any questions or concerns about this Application for Confidential Designation, please contact Kelene Strain (310-899-5340, KStrain@capstoneinfra.com) and Dana Palmer at Allen Matkins Leck Gamble Mallory & Natsis LLP (310-788-2444, DPalmer@allenmatkins.com).

Respectfully submitted,

DocuSigned by:


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Patrick Leitch
Chief Operating Officer
Levy Alameda, LLC