

<b>DOCKETED</b>	
<b>Docket Number:</b>	24-OPT-04
<b>Project Title:</b>	Potentia-Viridi Battery Energy Storage System
<b>TN #:</b>	261465
<b>Document Title:</b>	Application for Confidential Designation - CNDDDB
<b>Description:</b>	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
<b>Filer:</b>	Ronelle Candia
<b>Organization:</b>	Dudek
<b>Submitter Role:</b>	Applicant Consultant
<b>Submission Date:</b>	1/30/2025 9:29:28 AM
<b>Docketed Date:</b>	1/30/2025



**Levy Alameda, LLC**

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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.

**1. Contact Information. (20 CCR 1208.1)**

**Applicant Name:** Levy Alameda, LLC

**Address:** 155 Wellington Street West, Suite 2930, Toronto, Ontario M5V 3H1 Canada

**Phone Number:** 310-899-5340

**E-mail:** KStrain@capstoneinfra.com

**Proceeding Name:** Potentia-Viridi Battery Energy Storage System

**Docket Number:** 24-OPT-04

California Energy Commission

January 29, 2025

Page 2

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

<b>Title</b>	<b>Date</b>	<b>Description</b>	<b>Pages</b>
Attachment 10: Confidential CNDDDB Table	January 2025	California Natural Diversity Database (“CNDDDB”) data table	4

**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.))**

The information should be designated confidential in its entirety to protect information regarding the location of sensitive species and habitat.

**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 protect sensitive species and habitat.

**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.))**

The CEC may designate as confidential information that another state agency has designated as confidential. (Cal. Code Regs., tit. 20, § 2505(b).) In addition, the public interest served by not disclosing this information clearly outweighs the public interest served by disclosure. (Gov’t Code § 7922.000.)

The information should be designated confidential by the CEC because the California Department of Fish and Wildlife (“CDFW”) has effectively designated it as such by limiting its disclosure. The CNDDDB and its associated databases are proprietary databases owned by CDFW, and their use is limited to subscribed users who, under the CNDDDB License Agreement and the CNDDDB Data Use Guidelines, may not release the data to the public or non-subscribers without permission from CDFW unless it is displayed in a way or at a scale (1:350,000 or greater) such that viewers cannot determine the precise location of the resources mapped. (See CDFW, License Agreement for the California Natural Diversity Database (June 2018), <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=75516&inline>; CDFW, CNDDDB Data Use Guidelines, version 4.2 (2011), <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=27285&inline>). Confidentiality of this

California Energy Commission  
January 29, 2025  
Page 3

information is necessary to abide by the CNDDDB License Agreement and CNDDDB Data Use Guidelines.

Additionally, confidentiality of this information is necessary to prevent public disclosure of information about the location of sensitive species and habitat, thus supporting the protection of these species and habitat. CDFW explains that it limits disclosure of this information because “there is the very real possibility that some people will use the detailed location information to do harm to a species or its habitat. Because of the sensitivity of the data, we try to limit the level of location detail that is made readily available to the public.” (CDFW (2011).) If this information is disclosed to the public, it could result in intentional harm to sensitive species and habitat. The public interest will be served by nondisclosure by preventing potential intentional harm to sensitive species and habitat.

- 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.))**

N/A

- 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.))**

This information is disclosed in Section 3.2 (Biological Resources) and Appendix 3.2A (Biological Technical Report) in a manner that does not disclose the precise locations of species and habitat.

- 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 is kept confidential by the Applicant as required by CDFW, and the Applicant has not disclosed this information to a person other than an employee, attorney, or consultant working on behalf of the Applicant, under confidentiality agreements and/or duties of confidentiality, and who have a direct need to see this information in relation to their work on this Project, or to a government agency.

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.

California Energy Commission  
January 29, 2025  
Page 4

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