

<b>DOCKETED</b>	
<b>Docket Number:</b>	24-OPT-04
<b>Project Title:</b>	Potentia-Viridi Battery Energy Storage System
<b>TN #:</b>	262097
<b>Document Title:</b>	CEC Response Letter Levy Alameda, LLC's Application for Confidential Designation - Bio
<b>Description:</b>	N/A
<b>Filer:</b>	Marianna Brewer
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	3/5/2025



March 05, 2025

**Via Email**

Patrick Leitch  
Chief Operating Officer  
Levy Alameda, LLC  
155 Wellington Street West, Suite 2930  
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[KStrain@capstoneinfra.com](mailto:KStrain@capstoneinfra.com)

**Application for Confidential Designation Potentia-Viridi Biological Resources  
Docket No. 24-OPT-04**

Dear Patrick Leitch:

The California Energy Commission (CEC) has received an application for confidential designation from Levy Alameda, LLC (applicant), docketed January 30, 2025 (TN 261465). The application requests confidential designation for the following records from the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB):

- Attachment 10: Confidential CNDDDB Table

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 submitted CNDDDB information consists of a table indicating identified locations of a special status plant species located on the project site, including specific coordinates. The application states this table should be kept confidential indefinitely to protect the locations of sensitive biological resources. The table is sourced from the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB). The CNDDDB contains language within the database that restricts public disclosure of data to the public without permission from CDFW unless it is displayed in a such a way that viewers cannot determine the precise location of the resources.

The information submitted includes specific coordinates that if disclosed would allow the public to determine the location of a special status plant species. The application notes that California Government Code section 7922.000 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure. The application asserts that public interest in nondisclosure outweighs that of disclosure, as disclosure may enable the location of

sensitive biological resources sites by entities conducting unauthorized collection or disturbance of such resources.

### **Executive Director's Determination**

The applicant has made a reasonable claim that the submitted CNDBB table can be maintained as confidential indefinitely. As such, the applicant's request for confidential designation is granted.

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.

If you have questions, please email [confidentialityapplication@energy.ca.gov](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a stylized flourish at the end.

Drew Bohan  
Executive Director