

DOCKETED	
Docket Number:	23-AFC-01
Project Title:	Morton Bay Geothermal Project (MBGP)
TN #:	249771
Document Title:	Application for Confidential Designation for AFC Appendix 2C, Heat and Mass Balance Diagram
Description:	N/A
Filer:	Amanda Cooley
Organization:	Ellison Schneider Harris & Donlan LLP
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April 18, 2023

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

RE: **Morton Bay Geothermal Project (23-AFC-01): Application for Confidential Designation for AFC Appendix 2C, Heat and Mass Balance Diagram**

Dear Mr. Bohan:

Pursuant to Sections 2505 et seq., of Title 20 of the California Code of Regulations, Morton Bay Geothermal LLC (the "Applicant") hereby submits this *Application for Confidential Designation* for Appendix 2C, Heat and Mass Balance Diagram, of the Application for Certification of the Morton Bay Geothermal Project.

Please contact us at 916-447-2166 if you have any questions or require additional information. Thank you.

Sincerely,

/s/

Samantha G. Neumyer
Christopher T. Ellison
Ellison Schneider Harris & Donlan LLP

Attorneys for Applicant

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1. *Specifically indicate those parts of the record which should be kept confidential.*
 - a. *Title, date, and description (including number of pages) of the information or data for which you request confidential designation.*

Morton Bay Geothermal LLC (“Applicant”) seeks confidential designation for the following engineering information (the “Information”) submitted on behalf of the Morton Bay Geothermal Project (“MBGP”):

AFC Appendix Number	Title	AFC Subject Area/ Description	# of Confidential Pages
2C	Heat and Mass Balance Diagram	Project Description	All pages

- b. *Parts of the information or data for which you request confidential designation.*

The Information should be kept confidential in its entirety.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

The Information should be kept confidential for the operating life of the facility.

3. *Cite and discuss:*
 - (a) *the provisions of the Public Records Act or other law that allow the Commission to keep the information or data confidential, and explain why the provision applies to the material.*
 - (b) *the public interest in nondisclosure of the material submitted for confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please 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 Records Act exempts “trade secrets” from public disclosure, including “any formula, plan,...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.” (Govt. Code § 7924.510(f).) Appendix 2C is a non-public document that includes commercially sensitive project design information for the MBGP, including the necessary geothermal resource flow requirements for the project to achieve its proposed net generating capacity. This detailed engineering information has independent economic value from not being generally known to the public or to the Applicant’s

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competitors who can obtain economic value from its disclosure or use as the specific process flow information is directly related to not only generation from the facility, but costs as well. The flow information also provides information on the resource capabilities of the underlying geothermal resource. Disclosure may cause a loss of competitive advantage to the Applicant as competitors could utilize the information in a manner that affect bids in competitive solicitations or otherwise use the specific details for their economic benefit to the detriment of the Applicant.

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant considered whether it would be possible to aggregate or mask portions of the Information. A non-confidential version of the heat and mass balance diagram has been submitted with the AFC that does not contain the detailed process flow information.

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

The Information is accessible only to employees or consultants providing essential services to the Applicant, and has been disclosed to certain entities such as the CEC that have responsibilities relating to the MBGP.

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 belief. I am authorized to make this Application and Certification on behalf of the Applicants.

Dated: April 18, 2023

By:

/s/

Samantha G. Neumyer
Christopher T. Ellison
Ellison Schneider Harris & Donlan LLP

Attorneys for Applicant