

DOCKETED	
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Project Title:	Black Rock Geothermal Project (BRGP)
TN #:	252497
Document Title:	Repeated Application for Confidential Designation for Data Response Nos 83 and 85
Description:	N/A
Filer:	Amanda Cooley
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
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October 3, 2023

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

RE: Black Rock Geothermal Project (23-AFC-03): Repeated Application for Confidential Designation for Data Response Nos. 83 and 85

Dear Mr. Bohan:

Pursuant to Title 20, section 2505(a)(4) of the California Code of Regulations, Black Rock Geothermal LLC (the "Applicant") hereby submits this Repeated Application for Confidential Designation for the following response to the California Energy Commission's *Data Requests Set 1 for Black Rock Geothermal Project* ("BRGP") filed on August 31, 2023:¹

- Response to Data Request Number 83: Imperial Irrigation District ("IID") BHE Cluster System Impact Study ("SIS"), appendices, and attachments; and
- Response to Data Request Number 85: IID Switching Station One-line Diagram.

By letter dated May 5, 2023, the Executive Director approved the initial request for confidential designation of certain documents relating to the BHE Cluster SIS submitted by the Applicant.² The document submitted in response to Data Request 83 contains information that is substantially similar to the previously submitted information as it contains further documents associated with the BHE Cluster SIS, including appendices and attachments. All facts and circumstances relevant to the confidentiality of the information remain unchanged; therefore, this data request response should be similarly granted confidential designation on the same basis.

The Applicant believes that the one-line diagram provided in response to Data Request Number 85 also contains information that is substantially similar to that granted confidential designation in the Executive Director's May 5, 2023 letter. The information relates to the interconnection of the BRGP to the Imperial Irrigation District system and provides schematics for the IID 230-kv switching station. The Applicant understands that IID considers the one-line diagram to be confidential. The CEC should similarly keep such information confidential as nondisclosure of the information will protect against potential misuse of the information for illicit purposes, such as vandalism, tampering, or other third-party imposed damages. The public interest in preventing such acts clearly outweighs the public interest served by disclosure of the information for which the Applicant is seeking confidential designation.

¹ TN#: 252096.

² TN#: 250014.

The one-line diagram also contains trade secrets related to commercially valuable information associated with the interconnection of the BRGP. 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).) The one-line diagram is a non-public document that includes commercially sensitive transmission planning and cost information that falls within the definitions of “trade secret.” The one-line diagram also contains information that has independent economic value from not being generally known to the public or to the Applicant’s competitors who can obtain economic value from its disclosure or use. Disclosure may cause a loss of competitive advantage to the Applicant, as competitors could ascertain transmission planning and cost information that may affect bids in competitive solicitations. For these reasons, this data request responses should be similarly granted confidential designation on the same basis as the BHE Cluster SIS as part of this Repeated Application.

I certify under penalty of perjury of the laws of the State of California the information described above is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. I am authorized to make this repeated application and certification on behalf of the Applicant.

Please contact us at 916-447-2166 should you have any questions. Thank you.

Dated: October 3, 2023

ELLISON SCHNEIDER HARRIS & DONLAN LLP

By: /s/
Samantha G. Neumyer
Attorneys for the Applicant