

DOCKETED	
Docket Number:	23-OPT-02
Project Title:	Darden Clean Energy Project
TN #:	253046
Document Title:	Confidential Appendix M Socioeconomics Study_Appendix B_Darden Clean Energy
Description:	Application for confidential request for Appendix B Project Economic Employment and Assumptions of Appendix M Socioeconomics Study.
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Organization:	Rincon Consultants
Submitter Role:	Applicant Consultant
Submission Date:	11/7/2023 3:43:58 PM
Docketed Date:	11/7/2023

Subject: Application for Confidential Designation Darden Clean Energy Project Opt-in Application
Appendix B Project Economic and Employment Assumptions of Appendix M Socioeconomics Study.
Docket number 23-OPT-02.

To whom it may concern:

IP Darden I, LLC and Affiliates (IP Darden) c/o Intersect Power, LLC as applicant for the Darden Clean Energy Project, requests that the attached information be designated as confidential pursuant to 20 California Code of Regulations (CCR) Section 2505. This information is being supplied to the California Energy Commission (CEC) as a sub-appendix (Appendix B) of Appendix M of its opt-in application for the Darden Clean Energy Project docketed on November 6, 2023.

To support the Application for Confidential Designation, the following information has been provided and is consistent with the information requested in the Application for Confidential Designation (Title 20 Cal. Code. Regs., § 2505 Et Seq.) Revised 4/2023.

Applicant: IP Darden I, LLC and Affiliates c/o Intersect Power, LLC

Address: 9450 SW Gemini Drive, PMB #68743 Beaverton, Oregon 97008-7105

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

Appendix B Project Economic and Employment Assumptions of Appendix M Socioeconomics Study, October 2023, 7 pp. The record includes local and non-local workforce estimates, worker compensation estimates, and construction cost information.

1(b). Specify the part(s) of the record for which you request confidential designation.

The Appendix referenced in 1(a) in its entirety.

2. State and justify the length of time the Commission should keep the record confidential.

It is requested that Table 40, "Total Construction Costs by Component and Option" within "Appendix B Project Economic and Employment Assumptions of Appendix M Socioeconomics Study, October 2023, 7 pp" for IP Darden be kept confidential indefinitely. We believe this is justified due to confidential agreements between IP Darden and third parties, and the competitive nature of the renewable development industry, where public disclosure of estimated capital cost(s) and/or pricing would negatively impact our competitive advantage to negotiate and secure agreements with contractors, financiers, offtakers, and other industry parties.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

Under "Cal. Code Regs. Tit. 20, § 2505 - Designation of Confidential Records" (a)(1)(D) it states: *"If the applicant believes that the record should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, the application shall also state the specific nature of that advantage and how it would be lost, including 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.”

IP Darden meets the criteria for this Regulation through granting custody of its record through the CEC application process.

3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also 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.

It is in the public’s interest to have nondisclosure of this record to ensure industry competitiveness and trade secrets are maintained, therefore maintaining the competitiveness of the CASIO power market and consumer energy prices to competitive levels. IP Darden’s total estimated construction costs per component constitutes a trade secret due to the private and confidential nature of our agreement(s) with external parties including contractors, financiers, offtakers, and other industry parties regarding capital cost estimates and reflect IP Darden’s forecasted economic standing. Public disclosure of this information would negatively impact IP Darden’s competitive ability to negotiate with third parties on an ongoing basis given the pricing that has been secured and reflected in our estimates. Industry competitors would be able to utilize this information to further their own negotiations with third parties with our data as leverage, enhancing their competitiveness and therefore negatively impacting IP Darden.

4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

The data cannot be disclosed even if aggregated or masked due to the nature of capital costs, any and all details pertaining to capital cost are considered a trade secret and a significant component of IP Darden’s competitive advantage in the industry.

5. State how the record 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.

The record is kept only for internal budgeting and forecasting purposes and is not ever disclosed to a person other than an employee or contractor(s) working on behalf of the company.

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 I am authorized to make the application and certification on behalf of the applicant.

IP Darden I, LLC



By: Simon Ross, Chief Commercial Officer

Date: 11/06/2023