

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-OPT-02
<b>Project Title:</b>	Darden Clean Energy Project
<b>TN #:</b>	254357
<b>Document Title:</b>	CEC response to IP Darden I, LLC Application for Confidentiality dated November 7 2023
<b>Description:</b>	N/A
<b>Filer:</b>	Pam Fredieu
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	2/6/2024



February 6, 2024

**Via Email**

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**Application for Confidential Designation: Darden Clean Energy Project  
Docket No. 23-OPT-02**

Dear Simon Ross and Becky Moores:

The California Energy Commission (CEC) has received the IP Darden I, LLC (applicant) Application for Confidentiality (TN 253046), dated November 7, 2023, covering the following document:

- Appendix B Project Economic and Employment Assumptions of Appendix M Socioeconomics Study, 5 pages (Appendix B)

The applicant states that Appendix B in its entirety should be kept confidential indefinitely due to confidential agreements between the applicant and third parties. According to the application, disclosure of Appendix B would negatively impact the applicant's competitive advantage to negotiate and secure agreements with contractors, financiers, off-takers, and other industry parties because the information contains capital cost estimates and pricing. In addition, the information reflects the applicant's forecasted economic standing.

Further, the applicant asserts that if Appendix B is disclosed to the public, industry competitors would utilize the information to further their negotiations with third parties with the applicant's data as leverage. Thus, disclosure of the information would enhance third-party competitiveness over the applicant.

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 [California Energy] Commission to keep the record confidential."

As explained below, the applicant has not made a reasonable claim that Appendix B contains trade secrets or otherwise would cause a loss of competitive advantage. (Cal. Code Regs., tit. 20, § 2505(a)(1)(D).) Appendix B contains cost information required by CEC regulations to be included in applications for certification (AFC), opt-in applications, and small power plant exemptions (SPPE).<sup>1</sup> Staff uses this information to support the socioeconomic analysis and potential overrides in the event the project is found to have significant unmitigable environmental impacts or inconsistency with existing laws.

Disclosure of this Appendix B data is a longstanding requirement. CEC has not received confidentiality requests from other applicants seeking to withhold total project capital costs, payroll costs, or plant and equipment costs. This information on various projects is publicly available on the internet through CEC's docket system. CEC is not aware of any economic harm resulting from its disclosure.

The applicant has not made a reasonable claim that the estimated data provided in the Appendix B report contains trade secrets that would result in loss of competitive advantage. Therefore, confidentiality is denied for Appendix B. Within 14 days of the date of this letter, the applicant shall file Appendix B in docket No. 23-OPT-02.

You may request that the CEC determine the confidentiality of records for which the executive director denied confidential designation. You have 14 days to request that the CEC determine the confidentiality of the record. If you make such a request, the CEC will conduct a proceeding under the provisions in the California Code of Regulations, title 20, section 2508. The CEC is not aware of any economic harm resulting from its disclosure.

Please email [confidentialapplication@energy.ca.gov](mailto:confidentialapplication@energy.ca.gov) for further information.

Sincerely,



Drew Bohan  
Executive Director

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<sup>1</sup> The document sought to be protected includes estimates of project costs, locally purchased materials, and total construction payroll. This information is required by CEC's application regulations. (See Cal. Code Regs. tit. 20, § Div. 2 Ch. 5 App. B, subd. (g)(7)(vii)-(ix).)