

DOCKETED	
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Document Title:	CEC's Response Letter re February 9, 2024 Application for Confidential Designation
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April 2, 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 254398), dated February 9, 2024, covering the California Independent System Operator Phase I Interconnection Study for the Darden Energy Project dated September 15, 2022, which includes the following documents:

- Appendix A – Q1949, Queue Cluster 14 Phase I Study Final Report
- Attachment 10 Substation and Transmission
- Attachment 8 Preliminary Protection Requirements
- PG&E South 500 kV Interconnection Area Study Report
- Appendix B System Assumptions
- Appendix C Contingency Lists
- Appendix E Reliability Power Flow Results
- Appendix G Reliability Assessment Results
- Appendix H Short Circuit Study Results
- Appendix I Deliverability Assessment Results
- Appendix K Interconnection Area Map

The applicant requests the study referenced above, and all the documents therein, should be kept confidential indefinitely, unless approved for public release by the California Independent System Operator (CAISO). The applicant states CAISO has designated the study documents listed as confidential.

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 made a reasonable claim that the study documents should be made confidential due to CAISO's confidential designation. (Cal. Code Regs., tit. 20, § 2505(b).) Pursuant to an Appendix DD, Generator Interconnection and Deliverability Allocation Procedures document (GIDAP Appendix DD), on November 30, 2022, CAISO and the applicant agreed to treat as confidential two documents, Appendix A – Q1949, Queue Cluster 14 Phase I Study Final Report, and Attachment 10 Substation and Transmission line Work Scope.

The remaining documents, Attachment 8 Preliminary Protection Requirements, PG&E South 500kV Interconnection Area Study Report, as well as Appendixes B, C, E, G, H, I, and K, were treated as confidential pursuant to a non-disclosure agreement (NDA) between CAISO and the applicant dated February 28, 2017.

The applicant further claims it is in the public interest to have the documents deemed confidential to ensure industry competitiveness and maintain trade secrets, maintaining the competitiveness of the CAISO power market, and keeping consumer energy prices at competitive levels. The applicant states the information in the document cannot be disclosed even if aggregated or masked due to the confidential designation imposed by CAISO under the GIDAP Appendix DD and the NDA. (Cal. Code Regs., tit. 20, § 2505(a)(1)(D).) The applicant states the information contained within the study documents has not been disclosed to a person other than an employee or contractors working on behalf of applicant and under NDAs.

Executive Director's Determination

The applicant has made a reasonable showing that the information contained in the study documents should be maintained as confidential due to CAISO's designation.

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.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director