

DOCKETED

Docket Number:	23-OPT-02
Project Title:	Darden Clean Energy Project
TN #:	256295
Document Title:	CAISO Phase II Study Confidentiality Request
Description:	Letter requesting confidentiality for the Phase II study documents
Filer:	Becky Moores
Organization:	Intersect Power
Submitter Role:	Applicant
Submission Date:	5/10/2024 2:30:27 PM
Docketed Date:	5/10/2024



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May 10, 2024

California Energy Commission
1516 Ninth Street
Sacramento, California 95814

**RE: Docket No. 23-OPT-02 – Darden Clean Energy Project Opt-In Application
Application for Confidential Designation – Data Request Response DR TSD-1**

To whom it may concern:

Pursuant to California Code of Regulations, Title 20, Section 2505, IP Darden I, LLC and Affiliates c/o Intersect Power, LLC ("IP Darden"), as applicant for the Darden Clean Energy Project ("Project"), hereby submits an Application for Confidential Designation ("Application") to the California Energy Commission ("CEC") requesting that the CEC designate the information IP Darden is submitting to the CEC with this Application¹ ("Cluster 14 Phase II Study") as confidential on the basis that it has been designated confidential by a governmental entity, is protected as confidential pursuant to a non-disclosure agreement, contains trade secrets, or that its disclosure would otherwise cause a loss of competitive advantage.

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.

1. Contact Information (20 CCR 1208.1.)

Applicant Name: IP Darden I, LLC and Affiliates c/o Intersect Power, LLC
Address: 9450 SW Gemini Drive, PMB #68743 Beaverton, Oregon 97008-7105
Proceeding Name: Darden Clean Energy Project
Docket Number: 23-OPT-02

2. Title, date, and description (including number of pages) of the information or data for which you request confidential designation. (20 CCR 1208.1.)

The following sections and attachments from the California Independent System Operator Cluster 14 Phase II Study for the Darden Clean Energy Project, dated January 31, 2024:

- PG&E South 500 kV Interconnection Area Study Report, 61 pages
- Attachment 6 Generator Dynamic Data, 36 pages
- Attachment 8 Preliminary Protection Requirements, 7 pages
- Attachment 9 Transient Stability Contingency List & Results, 8 pages

¹ The attached information, titled "Cluster 14 Phase II Study," is being supplied in response to "Attachment B: Title 20, Data Requests" of the CEC's December 11, 2023 "Determination of Incomplete Application and Request for Information for the Darden Clean Energy Project" in Docket 23-OPT-02, received by IP Darden in response to IP Darden's application filed on November 10, 2023.



- Attachment 10 Substation and Transmission line Work Scope, 10 pages
- Appendix A – Q1949, Queue Cluster 14 Phase II Study Final Report, 26 pages
- Appendix B System Assumptions 68 pages
- Appendix C Contingency Lists, 601 pages
- Appendix E Reliability Power Flow Results, 97 pages
- Appendix G Reliability Assessment Results, 8 pages
- Appendix H Short Circuit Study Results, 66 pages
- Appendix I Deliverability Assessment Results, 10 pages
- Appendix J Energy Storage Charging Reliability Power Flow Results, 18 pages
- Appendix K Interconnection Area Map, 3 pages

3. Specify the part(s) of the information or data for which you request confidential designation. (If the data is in charts or spreadsheets, highlighting is sufficient.) (20 CCR 2505(a)(1)(B.))

The documents referenced in response 2 in their entirety.

4. State and justify the length of time the CEC should keep the information or data confidential. The term requested must be relevant to the stated basis for confidentiality. (20 CCR 2505(a)(1)(C.))

It is requested that all documents referenced in response 2 associated with the California Independent System Operator Cluster 14 Phase II Study be kept confidential indefinitely unless approved for public release by the California Independent System Operator (“CAISO”). Request for confidentiality is justified due to the fact that CAISO has designated the documents referenced in response 2 as confidential, and because of the NDA by and between IP Darden and CAISO related to the documents referenced in response 2.

5. State the provision(s) of the California Public Records Act or other law that allows the CEC to keep the information or data confidential and explain why the provision(s) apply to that material. (See Gov. Code, §§ 7920.000-7930.215.) (20 CCR (a)(1)(D.))

Under “Cal. Code Regs. Tit. 20, § 2505 - Designation of Confidential Records” (b) states: “When another federal, state, regional, or local agency or state-created private entity, such as the California Independent System Operator, possesses information pertinent to the responsibilities of the Commission that has been designated by the agency as confidential under the Public Records Act, or the Freedom of Information Act, the Commission, the Executive Director, or the Chief Counsel may request, and the agency shall submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.”

CAISO has designated the documents referenced in response 2 as confidential. Specifically, pursuant to an Appendix DD, Generator Interconnection and Deliverability Allocation Procedures document, dated August 2, 2023, as provided by CAISO to IP Darden (the “GIDAP Appendix DD”), it was acknowledged by and between CAISO and IP Darden during a meeting on



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November 30, 2022, that the documents referenced in response 2 shall be treated as confidential.

Additionally, pursuant to a Non-Disclosure Agreement by and between Intersect Power, LLC and CAISO, dated February 28, 2017 (the "Transmission Planning NDA," or "NDA"), the documents referenced in response 2 shall be treated as confidential.²

Pursuant to the GIDAP Appendix DD and the NDA, and in alignment with Cal. Code Regs. Tit. 20, § 2505, all of the documents referenced in response 2 in their entirety shall be kept confidential.

- 6. 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 (20 CCR (a)(1)(D.)).**

It is in the public interest to have nondisclosure of the documents referenced in response 2 to ensure that Cal. Code Regs. Tit. 20, § 2505 is lawfully upheld and that information CAISO has deemed confidential is treated as such.

Additionally, it is in the public interest to treat the documents referenced in response 2 as confidential to ensure industry competitiveness and trade secrets are maintained, therefore maintaining the competitiveness of the CAISO power market and keeping consumer energy prices at competitive levels.

CAISO's estimates for the Network Upgrades and Interconnection Facilities completion timing and costs associated with upgrades applicable to the Project are confidential between CAISO and the Interconnection Customer, constituting a trade secret due to the private and confidential nature of agreement(s) between the two parties. These estimated costs and completion timing directly impact IP Darden's forecasted economic standing and could be detrimental for the Project if external competitors were able to gain this information. Public disclosure of this information would negatively impact IP Darden's competitive ability to negotiate with third parties on an ongoing basis given the confidential pricing and timing that has been secured and reflected in our estimates and forecasts. 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.

- 7. 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. (20 CCR 2505(a)(1)(E.))**

² Each of the documents listed in response 2 include an annotation of "Confidential – Subject to Transmission Planning NDA," per CAISO.



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The information in the document cannot be disclosed even if aggregated or masked due to the confidential designation imposed by CAISO and pursuant to the NDA.

- 8. 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. (20 CCR 2505(a)(1)(F.))**

The information contained within the document referenced in response 2 has not been disclosed to a person other than an employee or contractor(s) working on behalf of IP Darden, and only once such parties have executed non-disclosure agreements.

Certification

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

A handwritten signature in blue ink, appearing to read "SR", written over a horizontal line.

By: Simon Ross, Chief Commercial Officer