

DOCKETED

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May 22, 2024

Via Email

Renee Robin
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**Application for Confidential Designation: Compass Battery Energy Storage
Docket No. 24-OPT-02**

Dear Renee Robin:

The California Energy Commission (CEC) has received Compass Energy Storage, LLC (applicant) Applications for Confidentiality (TNs 255562, 255610, and 255638), dated April 5, and April 11, 2024, regarding the following documents:

- Appendix 1B, Property Owner Information
- Appendix 3A, California Independent System Operator (“CAISO”) Phase II Interconnection Study Report
- Appendix 3B, Interconnection Agreement Parts 1 - 9
- Appendix 4.3B, SCCIC Records Search Parts 1 - 2
- Appendix 4.3C, Cultural Resources Overview

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 Commission to keep the record confidential.”

Appendix 1B, Property Owner Information:

The applicant requests Appendix 1B be kept confidential indefinitely pursuant to various provisions of the California Public Records Act (Gov. Code, § 7920.000 et seq.) and alleges disclosure of names and addresses in the document could allow for fraudulent use or abuse of such personal information. The documents consist of the assessor parcel numbers, names and mailing addresses of the listed owners. Some properties are owned by public agencies, trusts or corporations and do not include an individual’s name.

Under California Civil Code section 1798.24 an agency shall not disclose any personal information in a manner that would link the information disclosed to the individual to

whom it pertains. California Civil Code section 1798.3 defines the term “personal information” to mean any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual’s name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history.

Executive Director’s Determination

The applicant has made a reasonable claim that individual names associated with the addresses should be maintained as confidential indefinitely. As such, the applicant's request for confidential designation for the individual property owner names is granted. All other information contained in the record including the assessor parcel numbers, identification of company or public agency property owners, and addresses will remain public.

Appendix 3A, California Independent System Operator (“CAISO”) Phase II Interconnection Study Report and Appendix 3B, Interconnection Agreement Parts 1 – 9

The applicant requests the Interconnection agreement and CAISO Phase II Interconnection Study Report should be kept confidential indefinitely, unless approved for public release by the California Independent System Operator (CAISO). The applicant states CAISO has designated the documents listed as confidential. The applicant states the documents should be kept confidential indefinitely to ensure that the applicant is not in violation of any of its nondisclosure agreements with its commercial partners and to ensure the applicant’s detailed construction information remains secure from market participants who could otherwise make competitive use of the information to the detriment of the applicant.

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, nondisclosure agreements, and the nature of capital costs. 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 non-disclosure agreements.

Executive Director’s Determination

Under California Code of Regulations, section 2505(b), “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 that 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.”

Here, the applicant indicated that CAISO has designated Appendix 3A and 3B as confidential and the information is pertinent to the responsibilities of the CEC. Therefore, 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, in accordance with California Code of Regulations, title 20, section 2505(b). CEC designates the Appendix 3A and 3B confidential indefinitely but may be disclosed upon approval from CAISO.

Appendix 4.3B, SCCIC Records Search Parts 1 – 2 and Appendix 4.3C, Cultural Resources Overview

The applicant states the documents should be granted confidentiality under California Government Code sections 7927.000, 7927.305 and 7927.705 indefinitely. The applicant also states the records specifically identify areas of potential cultural and historical significance and disclosing the documents could lead to potential harm, destruction, or looting of the cultural resources and sites.

The California Public Records Act provides for the nondisclosure of archaeological site information and records of Native American places, features, and objects and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency. (Gov. Code §§ 7927.000, 7927.005.)

The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations on public lands must be protected to preserve them. (54 U.S.C. § 306131.)

California Government Code section 7922.000 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure.

Executive Director’s Determination

Protection of cultural and archeological resource location information to prevent looting and unauthorized collection is in the public interest and expressly covered under the law. The applicant has made a reasonable claim that the documents identified above, containing information on cultural and archeological resources, records, reports, and maps can be maintained as confidential indefinitely. As such, the applicant's request for confidential designation of the documents listed above is granted.

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,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal stroke extending to the right.

Drew Bohan
Executive Director