

**DOCKETED**

<b>Docket Number:</b>	24-OPT-02
<b>Project Title:</b>	Compass Energy Storage Project
<b>TN #:</b>	258101
<b>Document Title:</b>	Application for Confidential Designation
<b>Description:</b>	N/A
<b>Filer:</b>	Erin Phillips
<b>Organization:</b>	Dudek
<b>Submitter Role:</b>	Applicant Consultant
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<b>Docketed Date:</b>	7/29/2024



July 18, 2024

**VIA DOCKET UNIT E-FILING SYSTEM**

California Energy Commission  
715 P Street  
Sacramento, CA 95814

RE: Compass Energy Storage Project Application for Confidential Designation

To whom it may concern:

Compass Energy Storage LLC, as applicant for the Compass Battery Energy Storage Project (“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”) in the Study listed below in support of the Applicant’s opt-in application for the Project, which was docketed on March 29, 2024.

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 (20 CCR § 2505 et seq.)

**Applicant:** Compass Energy Storage LLC

**Address:** 1360 Post Oak Blvd., Ste. 400, Houston, TX 77056

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

Compass Energy Storage LLC Opt-In Application:

- California Independent System Operator (“CAISO”) Phase II Interconnection Study Report, November 22, 2021, all pages

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

The documents referenced in 1(a) in their entirety.

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

All documents associated with the Study should be kept confidential indefinitely unless approved for public release by CAISO. This length of time is needed to ensure that Compass Energy Storage LLC is not in violation of any of its nondisclosure agreements with its commercial partners and to ensure Compass Energy Storage LLC's detailed construction cost information remains secure from market participants who could otherwise make competitive use of this information to the detriment of Compass Energy Storage LLC and its current or future negotiations with counterparties.

**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 20 CCR § 2505(a)(1)(D), “[i]f 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.” Such trade secrets may include “any formula, plan, . . . process, tool, mechanism, . . . procedure, production data, or compilation of information . . . , which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.” (Gov. Code, § 6254.7(d); see *id.* at §§ 6254(k), 6254.15.)

Disclosure of the Study identified above would create a significant market disadvantage for Compass Energy Storage LLC, compromise Compass Energy Storage LLC's bargaining position during contract negotiations, provide competitors an advantage, and compromise Compass Energy Storage LLC's competitive position in the CAISO power market through the disclosure of trade secrets. This Study contains commercially sensitive information on the estimated and forecasted capital costs for the Project and its many components, including cost information for: BESS, step-up substation, gen-tie, utility switchyard, and other related costs. Additionally, such disclosure and corresponding market disadvantage may result in higher energy prices for consumers.

**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.**

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It is in the public interest to have nondisclosure of the documents referenced in 1(a) to ensure that 20 CCR § 2505 is lawfully upheld.

It is in the public interest to protect the information in the Study from public disclosure 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 Compass Energy Storage LLC's forecasted economic standing and could be detrimental to the Project if external competitors were able to gain this information. Public disclosure of this information would negatively impact Compass Energy Storage LLC'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 Compass Energy Storage LLC.

Additionally, disclosure of the information contained in the Study would enable counterparties to reverse-engineer expected returns, capital cost components, and other key details of the Project that would lessen Compass Energy Storage LLC's negotiating power. If counterparties were internally estimating a materially different amount than what is disclosed, this information would impact and inform their negotiation strategy going forward. Competitors could also leverage this information to secure more favorable agreements for themselves by leveraging the results that Compass Energy Storage LLC has achieved, further harming Compass Energy Storage LLC's competitive advantage in the renewable energy development industry given the commercial terms already achieved privately. Disclosing these trade secrets and commercially sensitive data would lead to Compass Energy Storage LLC's loss of a competitive advantage.

The information set forth in the Study could not be legitimately acquired or duplicated by others. Compass Energy Storage LLC's Project cost figures have been carefully assembled, leveraging myriad internal resources, including commercial partnerships, existing agreements, proprietary in-house knowledge, and prior project experience. This information is not publicly available and has not been disclosed to anyone other than employees, attorneys or consultants working with Compass Energy Storage LLC, and only once such parties have executed confidentiality agreements, because Compass Energy Storage LLC considers such information to be commercially sensitive, proprietary information, and trade secrets. Compass

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Energy Storage LLC has taken reasonable steps to preserve the confidentiality of this information.

**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 information disclosed in the confidential Study 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 Compass Energy Storage LLC's competitive advantage in the industry. Additionally, the information contained in this Study cannot be disclosed even if aggregated or masked due to the existence of the confidentiality agreements under which this information was collected.

**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 information contained within the confidential Study has not been disclosed to a person other than an employee, attorney, or consultant working on behalf of Compass Energy Storage LLC and under confidentiality agreements.

If you have any questions about the Compass Energy Storage Project's Application for Confidential Designation, please do not hesitate to contact Renée Robin, J.D., Director of Planning & Permitting, [reneé.robin@engie.com](mailto:reneé.robin@engie.com).

Pursuant to 20 CCR § 2505, as an officer authorized to make this application on behalf of Compass Energy Storage LLC, 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.

Sincerely,

DocuSigned by:



Justin Amirault

Chief Development Officer

Engie North America

Flexible Generation

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