

DOCKETED	
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Document Title:	Application for Confidential Designation
Description:	N/A
Filer:	Erin Phillips
Organization:	Dudek
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Docketed Date:	8/30/2024



August 29, 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 Report 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:

- Archaeological Resources Management Report, August 2024, Appendices B and C

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

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

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

Archaeological Resources Management Report, Appendices B and C:

All documents associated with Appendices B and C should be kept confidential indefinitely. If locations of protected cultural and historical resources and sites are released to the public domain, there is the potential for looting and/or destruction of these state and federally protected resources and sites.

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.

Archaeological Resources Management Report, Appendices B and C:

Appendices B and C identified above specifically identify areas of potential cultural and historical significance. They are thus protected under Sections 7927.300 and 7927.705. Protection provided is analogous to that given to Native American sacred places under Sections 7927.000 and 7927.005 of the Government Code.

Additionally, the Public Records Act also provides a specific exemption from disclosure where “on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” (Gov. Code, § 7922.000.) The public interest served in nondisclosure here, the protection of cultural and historical resources, outweighs that of disclosure.

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.

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.

The public interest will be served by protecting the information in Appendices B and C from disclosure to prevent potential harm to, or destruction or looting of, the cultural and historical resources and sites described in these confidential Appendices. Such harm or destruction/looting would preclude scientific study of the sites to gain data about the cultural and historical resources of the area.

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.

Archaeological Resources Management Report, Appendices B and C:

Certain of the information disclosed in the confidential Appendices B and C has been aggregated and summarized in other portions of the Archaeological Resources Management Report for the Opt-In Application for the Project. However, aggregation of the confidential Appendices themselves would potentially hinder CEC staff when performing their review and analysis.

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.

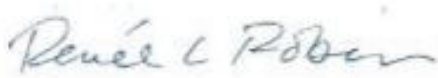
Archaeological Resources Management Report, Appendices B and C:

The information contained within the confidential Appendices B and C has not been disclosed in a Project-specific context to any parties beyond Compass Energy Storage LLC's employees, attorneys, or consultants working on behalf of Compass Energy Storage LLC and who are directly associated with the proposed Project 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.

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,

A handwritten signature in cursive script that reads "Renée L. Robin".

Renée L. Robin, J.D.
Director of Planning and Permitting
Engie North America
Flexible Generation
Renee.robin@engie.com