

DOCKETED

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Project Title:	Los Esteros Phase II Compliance
TN #:	271091
Document Title:	Application for Confidential Designation Attachment DRA77
Description:	N/A
Filer:	Samantha G. Neumyer
Organization:	Climate Edge Law Group
Submitter Role:	Applicant Representative
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June 29, 2026

Mr. Drew Bohan
Executive Director
California Energy Commission
715 P Street
Sacramento, CA 95814

RE: Los Esteros Critical Energy Facility (03-AFC-02C): Application for Confidential Designation: Fire Detection and Alarm System Schematic

Dear Mr. Bohan:

Pursuant to Sections 2505 *et seq.*, of Title 20 of the California Code of Regulations, Los Esteros Critical Energy Facility, LLC, on behalf of Tanager Power, LLC (the “Applicant”) submits this *Application for Confidential Designation: Fire Detection and Alarm System Schematic* for the following information submitted in support of the *Petition for Modification: Tanager Battery Energy Storage System Project*:

- Confidential Attachment DR-A77, Fire Detection and Alarm System Schematic

Please contact Jeffery Harris at (916) 629-4141 should you have any questions or require additional information.

Thank you.

Sincerely,

/s/

Jeffery D. Harris
Samantha G. Neumyer
Climate Edge Law Group

Attorneys for the Applicant

1. *Specifically indicate those parts of the record which should be kept confidential.*
 - a. *Title, date, and description (including number of pages) of the information or data for which you request confidential designation.*

Los Esteros Critical Energy Facility, LLC, on behalf of Tanager Power, LLC (the “Applicant”) seeks confidential designation for the following information (the “Information”) submitted on behalf of the *Petition for Modification: Tanager Battery Energy Storage System Project*:

- Confidential Attachment DR-A77, Fire Detection and Alarm System Schematic

- b. *Parts of the information or data for which you request confidential designation.*

The Information should be confidential in its entirety.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

For the reasons articulated herein below, the Information should be kept confidential for the operating life of the Tanager BESS Project.

3. *Cite and discuss:*
 - (a) *the provisions of the Public Records Act or other law that allow the Commission to keep the information or data confidential, and explain why the provision applies to the material.*
 - (b) *the public interest in nondisclosure of the material submitted for confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please 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.*

The Information should be kept confidential for the following reasons. First, the Public Records Act broadly exempts corporate proprietary information, including trade secrets, from public disclosure. (Gov’t Code §§ 7924.510(c)), 7927.605.) Trade secrets include “any formula, plan, ... 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 ... and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.” (Gov’t Code § 7924.510(f).) The California Civil Code Section 3426.1(d) defines a “trade secret” as follows:

- (d) “Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

- (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
- (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The Information relates to specific fire suppression technologies employed at another Calpine BESS facility, the design and location of certain fire protection system components, operational procedures, and other commercially valuable information related to that facility's operation and schematics. Such information constitutes trade secrets as Calpine has made significant efforts and investments in the facility to continue reliable electrical generation to support grid reliability. The Information also has independent economic value as Calpine uses this information for asset protection purposes.

In addition to concerns regarding the value of this information to competitors, Calpine purchases equipment and retains the services of consultants and contractors to conduct work associated with the BESS facility, including inspection of fire protection systems. Public disclosure of the Information could place Calpine at a pricing disadvantage where operational the Information is public and available to potential vendors of equipment and providers of fire protection system services. Thus, the Information has independent economic value from not being generally known to the public, including Calpine's competitors and vendors, that could obtain economic value from the disclosure or use of the Information.

Second, the Public Record Act provides a specific exclusion 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't Code § 7922.000.) In this case, the public interest in protecting the Information arises from preventing possible vandalism, tampering, or other attacks by persons or entities that could be facilitated by public disclosure of the details of the fire protection systems and operational procedures. Attacks on energy infrastructure are a real, contemporary threat. In the case of the Information, the public interest is best served by nondisclosure when considering the potential security concerns that could arise where detailed fire protection and operational information is made public.

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant carefully considered whether it would be possible to aggregate or mask the Information. Given the specific operational procedures and facility information contained in the Information, no feasible method of aggregating or masking the information could be identified that would not either disclose the information or render the information provided useless.

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

The Applicant has not disclosed any of the subject information to anyone other than the California Energy Commission staff and other federal, state, and local governmental entities with regulatory authority over the Information, and the Applicant's employees, attorneys and consultants working on behalf of the Calpine BESS facility and Tanager BESS Project.

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 belief. I am authorized to make this Application and Certification on behalf of the Applicant.

Dated: June 29, 2026

By:

/s/

Jeffery D. Harris
Samantha G. Neumyer
Climate Edge Law Group

Attorneys for Applicant