

DOCKETED

Docket Number:	03-AFC-02C
Project Title:	Los Esteros Phase II Compliance
TN #:	271996
Document Title:	California Energy Commission Response to Los Esteros
Description:	TN271503
Filer:	Christina Adkins
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/17/2026 8:19:22 AM
Docketed Date:	8/17/2026



August 17, 2026

Via Email

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**Repeated Application for Confidential Designation
Docket No: 03-AFC-02C**

Dear Jeffery D. Harris and Samantha G. Neumyer:

The California Energy Commission (CEC) has received Los Esteros Critical Energy Facility, LLC's (applicant) repeated application for confidential designation, docketed July 16, 2026 (TN 271503), for the following:

- Electronic calculation spreadsheets that are the basis of the emission calculations, AERMOD input/output files and other electronic support data supporting Confidential Attachment DR-A65: Technical Memorandum Emission Factors for Select Compounds Formed from Thermal Runaway and Fires from LFP Batteries.

The applicant states that these records were previously determined by the CEC's executive director to be confidential for the life of the facility (03-AFC-02C, TN 267113). The applicant asserts, under penalty of perjury, that the document submitted contains information substantially similar to previously submitted information that was granted confidential designation, and all facts and circumstances relevant to the confidentiality of the information remain unchanged.

California Code of Regulations title 20, section 2505(a)(4) provides:

If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to section 2508, or for which an application for confidential designation was granted by the Executive Director pursuant to subdivision (a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances

relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

The applicant has met the requirements for confidential designation of the above information as a repeated application. Confidentiality is granted for the life of the facility, under the same terms as those in the initial letter granting confidentiality.

Be advised that under California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy confidential records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose records, or release records previously designated as confidential, in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set forth in California Code of Regulations, title 20, sections 2506-2508.

If you have questions, please email confidentialityapplication@energy.ca.gov.