

<b>DOCKETED</b>	
<b>Docket Number:</b>	25-SPPE-02
<b>Project Title:</b>	NorthTown Backup Generating Facility (NTBGF)
<b>TN #:</b>	264769
<b>Document Title:</b>	CEC Response to NorthTown's Application for Confidential Designation
<b>Description:</b>	N/A
<b>Filer:</b>	Marianna Brewer
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	7/14/2025 9:55:30 AM
<b>Docketed Date:</b>	7/14/2025



July 14, 2025

**Via Email**

LBA RVI-Company I, LP  
c/o Scott Galati  
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Irvine, CA 92612  
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**Application for Confidential Designation – NorthTown Backup Generating Facility  
Docket No. 25-SPPE-02**

Dear Scott Galati:

The California Energy Commission (CEC) has received NorthTown Backup Generating Facility's (applicant) Application for Confidentiality (TN 264525) dated June 30, 2025, covering the following document:

- Cultural Resource Technical Report for the NorthTown Data Center Project. 350–370 West Trimble Road, San José, California

The information contained in the Cultural Resources Technical Report includes maps, Department of Parks and Recreation cultural resource forms, studies, and materials obtained from the California Historical Resources Information System. The applicant states that the information should be kept confidential indefinitely, in its entirety, to protect potential cultural resources and sites. The applicant asserts confidentiality under Government Code Sections 6254(e) and 6254(k) and argues that protection provided is analogous to that given to Native American sacred places under Section 6254(r) of the Government Code. The applicant asserts that if the descriptions of the locations of the sites are released to the public domain, there is potential for looting and destruction of that site.

**Confidentiality Claims**

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 [California Energy] Commission to keep the record confidential."

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 California Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code § 7927.705.)

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.)

The 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**

The applicant has made a reasonable showing that the information contained in the Cultural Resources Technical Report should be maintained as confidential indefinitely.

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](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director