

DOCKETED	
Docket Number:	03-AFC-02C
Project Title:	Los Esteros Phase II Compliance
TN #:	266368
Document Title:	Repeated Application for Confidential Designation Cultural DRA15
Description:	N/A
Filer:	Samantha G. Neumyer
Organization:	Climate Edge Law Group
Submitter Role:	Applicant Representative
Submission Date:	10/7/2025 12:42:36 PM
Docketed Date:	10/7/2025

October 7, 2025

E-Filed

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

RE: Los Esteros Critical Energy Facility (03-AFC-02C): Repeated Application for Confidential Designation of Cultural Resources Documents

Dear Mr. Bohan:

Pursuant to Title 20, section 2505(a)(4), of the California Code of Regulations, Los Esteros Critical Energy Facility, LLC, on behalf of Tanager Power, LLC submits this Repeated Application for Confidential Designation for the following cultural resources information submitted in support of the *Petition for Modification: Tanager Battery Energy Storage System Project*:

- Busby, Colin I. 2002a. Memorandum to Mr. Jerry Salamy, CH2M Hill, Initial Results Los Esteros [Critical Energy Facility (LECEF)], San Jose, Santa Clara County Presence/Absence Testing Program [completed] February 16, 2002. Dated February 22, 2002. Basin Research Associates, San Leandro California.
- Busby, Colin I. 2002b. Memorandum to John Larsen and Steve De Young, Calpine and Jerry Salamy, CH2M Hill. Los Esteros Critical Energy Facility [LECEF], City of San Jose, Santa Clara County. Field Report; Mechanically Assisted Presence/Absence Testing of the Los Esteros Critical Energy Facility [LECEF], San Jose, Santa Clara County Access Road and Linear Alignments. Basin Research Associates, San Leandro California.

By letter dated March 18, 2025, the Executive Director approved the initial request for confidential designation of the cultural resources assessment and literature search results, which contained potentially sensitive information regarding cultural resources. These documents are substantially similar to the previously submitted information in that they also contain information regarding nearby recorded archeological sites, and all facts and circumstances relevant to the confidentiality of the information remain unchanged.

These documents, dated 2002, were used in the original siting proceeding and thus predate the Commission and the Applicant's electronic databases. Given their vintage, the Applicant notes that it is possible that portions of the documents above may have been disclosed publicly in those 2022 proceedings or they may contain general or other information that can be made publicly available or provided in a redacted version. Accordingly, if deemed necessary or prudent, the Applicant requests that California Energy Commission Staff work with the Applicant to prepare redacted versions of the documents identified above that can be made available for public disclosure.

I certify under penalty of perjury of the laws of the State of California the information described above is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. I am authorized to make this repeated application and certification on behalf of the Applicant, Los Esteros Critical Energy Facility, LLC, a Limited Liability Company.

Please contact me at samantha@celawgroup.com should you have any questions or require additional information. Thank you.

Dated: October 7, 2025

CLIMATE EDGE LAW GROUP

/s/

Samantha G. Neumyer
Jeffery D. Harris

Attorneys for Applicant