

DOCKETED

Docket Number:	01-EP-06C
Project Title:	King City Energy Center Project, King City Cogeneration Project - Compliance
TN #:	223256
Document Title:	King City Energy Center (01-EP-06C) Application for Confidential Designation
Description:	Application for Confidential Designation: Cultural Resources Documentation
Filer:	Eric Janssen
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
Submission Date:	4/20/2018 4:05:54 PM
Docketed Date:	4/20/2018



Samantha G. Neumyer
sgn@eslawfirm.com

April 20, 2018

Drew Bohan
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

RE: King City Energy Center (01-EP-06C)
Application for Confidential Designation: Cultural Resources Documentation

Dear Mr. Bohan:

Pursuant to Sections 2501 et seq., of Title 20 of the California Code of Regulations, Gilroy Energy Center, LLC (the "Project Owner") submits this *Application for Confidential Designation* for the following Cultural Resource documents:

- *Cultural Resources Data Recovery Investigation Buried Hearth KC-01-01.*

Please feel free to contact me at (916) 447-2166 should you have any questions or require additional information. Thank you.

APPLICATION FOR CONFIDENTIAL DESIGNATION

King City Energy Center (01-EP-06C) Gilroy Energy Center, LLC (the “Project Owner”)

1. *Specifically indicate those parts of the record which should be kept confidential.*

Cultural Resources Data Recovery Investigation Buried Hearth KC-01-01.

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

This information should be held confidential indefinitely in order to protect the cultural resources identified therein.

3. *Cite and discuss (i) the provisions of the Public Records Act or other law which allow the commission to keep the record confidential and (ii) the public interest in nondisclosure of the record.*

The information is exempt from disclosure under the Public Records Act pursuant to Government Code sections 6254.10 and 6255. Section 6254.10 specifically exempts from disclosure records relating to archaeological site information, in addition to reports maintained by the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, or other agencies. Section 6255 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure. In this case, the public interest in nondisclosure is to prevent the location of sensitive cultural and paleontological resources sites from disclosure to potential thieves, vandals, or persons conducting unauthorized collection of materials.

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 Project Owner considered whether it would be possible to aggregate or mask the information. However, 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 Project Owner has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the project, and to the California Energy Commission Compliance Project Manager for the King City Energy Center as part of a compliance submittal required by Condition of Certification CULTURAL-1.

