

DOCKETED

Docket Number:	26-SPPE-01
Project Title:	RB Inyokern Data Center (RBIDC)
TN #:	271584
Document Title:	California Energy Commission Response to RB Inyokern
Description:	TN271079
Filer:	Christina Adkins
Organization:	California Energy Commission
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July 22, 2026

Via Email

Kyle Mohr
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**Application for Confidential Designation
Docket No. 26-SPPE-01**

Dear Kyle Mohr:

The California Energy Commission (CEC) has received RB Inyokern Data Center's (applicant) Application for Confidentiality docketed June 29, 2026 (TN 271079). The application covers one document that contains the following.

- Appendix M.1 Supplement (Records Search Results)
- Appendix M.2 Supplement (Records Search Results and DPR Forms)
- AB 52 Tribal Outreach Letters and Tribal Response Correspondence

The applicant states that the above document should be kept confidential indefinitely and exempt from disclosure because the document contains sensitive archeological and cultural information.

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 Commission to keep the record confidential."

Appendix M.1 and Appendix M.2 Supplements and Tribal Outreach Letters:

The applicant states that Appendix M.1 Supplement consists of the cultural resources records search results for the RB Inyokern Data Center Project. Appendix M.1 Supplement comprises the NAHC Sacred Lands File correspondence and the CHRIS records search response. The applicant states that the Appendix M.2 Supplement contains the confidential records search results and California Department of Parks and Recreation (DPR 523) site record forms. Lastly, the document contains tribal outreach letters and tribal responses.

The applicant contends confidentiality is appropriate under former Government Code section 7927.005 (archaeological site information), Government Code section 7927.000 (Native American places and sacred sites), Public Resources Code section 21082.3(c) (tribal cultural resources consultation information), and California Code of Regulations, title 20, section 2505(a)(5).

The applicant states that this document should be kept confidential indefinitely because the risk of looting, vandalism, and cultural-resource

harm from disclosure does not diminish with time. The applicant states that the document should be confidential in its entirety and masking is not appropriate because the protected matter permeates throughout the document. The applicant states no disclosure has been made that would waive the statutory protections asserted in the application.

Executive Director's Determination

It is in the public interest, and expressly covered under the law, to protect cultural and archeological resource location information to prevent looting and unauthorized collection of resources. The applicant has made a reasonable claim that the document identified above, containing information on cultural and archeological resources, records, reports, and maps can be maintained as confidential indefinitely. As such, the applicants' request for confidential designation of Appendix M.1 and Appendix M.2 Supplements and tribal outreach letters is granted.

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 the 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.

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

Sincerely,

A handwritten signature in dark ink, appearing to be 'Drew Bohan', with a stylized, sweeping underline.

Drew Bohan
Executive Director