DOCKETED	
Docket Number:	23-OPT-02C
Project Title:	Darden Clean Energy - Compliance
TN #:	273040
Document Title:	California Energy Commission Response to Darden
Description:	Response to (TN 272343 and TN 272344), and on September 15, 2026 (TN 272806)
Filer:	Christina Adkins
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	10/5/2026 3:39:56 PM
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October 5, 2026

*Corrected

Via Email

David Lundgren
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Application for Confidential Designation
Docket No. 23-OPT-02C

Dear David Lundgren:

The California Energy Commission (CEC) has received IP Darden I, LLC c/o IPX Power, LLC (applicant) Applications for Confidentiality docketed on September 4, 2026 (TN 272343 and TN 272344), and on September 15, 2026 (TN 272806) covering the following documents:

- June 2026 Monthly Compliance Report (MCR #13): DPR 523 form for resources D-MP-ISO-1, D-MP-ISO-2, and D-MP-Site-1 (11 Pages)
- July 2026 Monthly Compliance Report (MCR #14): DPR 523 form for resource D-MP-Site-2 (8 Pages)
- August 2026 Monthly Compliance Report (MCR #15): DPR 523 form for resource D-MP-ISO-3 (3 pages)

The applicant states that the documents listed above identify areas of potential cultural and historical significance. The applicant requests confidentiality indefinitely for the documents listed above to protect potential cultural resources and sites. 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 the resource.

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 cultural resource information contained in the documents listed above 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.

Sincerely,



Drew Bohan
Executive Director