

DOCKETED

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Project Title:	Laurelwood Data Center (MECP I Santa Clara I, LLC)
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Document Title:	Laurelwood Data Center Application for Confidential Designation for Cultural Resources
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Filer:	Deric Wittenborn
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant
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March 25, 2019

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

RE: Laurelwood Data Center (19-SPPE-01)
Application for Confidential Designation for Cultural Resources

Dear Mr. Bohan:

Pursuant to Sections 2501 *et seq.*, of Title 20 of the California Code of Regulations, MECPI Santa Clara 1, LLC (the "Applicant") hereby submits this "Application for Confidential Designation" for the following Cultural Resource documents: LDC SPPE Application, Appendix 3.5-A Cultural Resource Investigation in Support of the 2201 Laurelwood Road Project: Literature Search Results".

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Samantha G. Neumyer".

Samantha G. Neumyer
Jeffery D. Harris
Ellison Schneider Harris & Donlan LLP

Attorneys for Applicant

APPLICATION FOR CONFIDENTIAL DESIGNATION

Laurelwood Data Center (19-SPPE-01) MECP1 Santa Clara 1, LLC (the “Applicant”)

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

LDC SPPE Application, Appendix 3.5-A Cultural Resource Investigation in Support of the 2201 Laurelwood Road Project: Literature Search Results”.

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. The public interest in nondisclosure is that disclosure may enable location of sensitive cultural and paleontological resources sites by thieves, vandals, or persons conducting unauthorized collection of materials. Appendix B to the Commission’s siting regulations also provides that this information be submitted under a request for confidential designation. (Calif. Code of Regulations, Title 20, Chapter 5, Appendix B, section (g)(2).

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 Applicant considered whether it would be possible to aggregate or mask the information, consistent with the legal requirements discussed in this Application. 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 Applicant has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the project. Moreover, this information has not been disclosed to persons employed by, or working for, the Applicant except on a confidential, “need-to-know” basis.

I certify under penalty of perjury that the information contained in this Application for Confidential Designation is true, correct, and complete to the best of my knowledge and belief. I am authorized to make this Application and Certification on behalf of the Applicant.

Dated: March 25, 2019

ELLISON SCHNEIDER HARRIS & DONLAN LLP

By:



Samantha G. Neumyer
Jeffery D. Harris

Attorneys for the Applicant