

**DOCKETED**

<b>Docket Number:</b>	79-AFC-05C
<b>Project Title:</b>	Compliance - Application for Certification for PG&E Geysers Unit 16 (78-NOI-6)
<b>TN #:</b>	241564
<b>Document Title:</b>	GPC Response to Executive Director's Confidentiality Determination
<b>Description:</b>	N/A
<b>Filer:</b>	Deric Wittenborn
<b>Organization:</b>	Ellison Schneider Harris & Donlan LLP
<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	2/16/2022 3:52:49 PM
<b>Docketed Date:</b>	2/16/2022



Jeffery D. Harris  
[jd@eslawfirm.com](mailto:jd@eslawfirm.com)

February 16, 2022

**E-Filed**

Drew Bohan  
Executive Director  
California Energy Commission  
1516 Ninth Street, MS-2000  
Sacramento, CA 95814

**RE: Response to Executive Director’s February 2, 2022 Letter Providing Determinations on Prior Geysers Power Company Applications for Confidential Designation (Geysers Unit 3, Sonoma (80-AFC-1C); Geysers Unit 16, Quicksilver (79-AFC-5C); Geysers Unit 17, Lakeview (79-AFC-1C); Geysers Unit 18, Socrates (79-AFC-3C); Geysers Unit 19, Calistoga (81-AFC-1C); Geysers Unit 20, Grant (82-AFC-1C)).**

Dear Mr. Bohan:

Geysers Power Company, LLC (“GPC”), the owner and operator of the above listed facilities (“Geysers facilities”), has reviewed the determinations on the confidentiality designations of certain documents and compliance submissions provided in your February 2, 2022 letter (the “Determination”). The Determination provides valuable guidance on the Energy Commission’s new approach to such filings.

Three categories of records are granted confidential designation on the terms set forth in the Determination: (1) “BOD Records of Existing and New Systems”; (2) the monthly recommissioning report appendices; and (3) the more recent fire protection system inspection, testing, and maintenance (“ITM”) records. We appreciate the clarity of these determinations, and have no concerns.

With respect to the fourth category of documents described in the Determination as “Historic Records of Systems Replaced or Removed” or, more generally, as “historic documents,” we understand that these documents, dated 2018 and prior, were not granted confidential designation.

As a threshold matter, the Determination does not identify with specificity the documents provided to the Commission that are covered by this fourth category. We understand that such a cataloging may be difficult to make public without disclosing protected information, so we accept the general nature of the description of these as historic documents.

GPC supports and agrees with the Determination's reasoning that documents containing detailed information on the current equipment, layout and configuration of the Geysers facilities' fire protection systems and related systems should be maintained as confidential. Our concerns for your consideration are straightforward. Despite their age, some historic records and documents covered by the Determination may include information on systems that are still in operation, even though they may have been subject to the recommissioning efforts. Moreover, some of these historic documents may provide detailed information relevant to current site conditions. In short, GPC is concerned that some of the historic records covered by the Determination may describe present-day conditions at the Geysers facilities, and therefore do not solely reflect systems replaced or removed.

With this response, GPC is not requesting Commission review of the confidentiality designations provided in the Determination, as permitted by Title 20, CCR Section 2508, as we trust that the Commission had these issues in mind in rendering its Determination. Therefore, while not challenging the Determination and not waiving the arguments set forth in GPC's Application, GPC is providing the Commission with notice that GPC is relying on the determinations made by the Commission with respect to the historic documents. GPC has every confidence that the Commission will consider these issues in addressing any requests for the historic documents denied confidential treatment by the Determination.

Thank you for your attention to this important matter.

Sincerely,

\_\_\_\_\_/s/  
Jeffery D. Harris  
E-Mail: [jdh@eslawfirm.com](mailto:jdh@eslawfirm.com)