

DOCKETED

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June 6, 2022

VIA EMAIL

Jeffery Harris
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Repeated Application for Confidential Designation:
Attachment A to the Investigation Report Calpine Russell City Steam
Turbine/Generator Event May 27, 2021, and Bay Valve Report
Russell City Energy Center (01-AFC-07C)

Dear Jeffery Harris:

The California Energy Commission (CEC) has received Russell City Energy Company, LLC's (RCEC/applicant) repeated application for confidential designation, dated May 6, 2022. The application covers the following documents:

1. Attachment A photos to the Investigation Report
2. Bay Valve Report Photos

The application states that the photos from both reports are similar to photos of facility equipment previously determined to be confidential for the life of the facility in letters from the CEC dated February 2, 2022, and April 21, 2022.

California Code of Regulations, title 20, section 2505(a)(4) states:

If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to section 2508, or for which an application for confidential designation was granted by the executive director pursuant to subdivision (a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to

the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

Executive Director's Determination

The following photos contained in Attachment A to the Investigation Report are similar in nature to photos previously designated as confidential: Figure 1-Figure 3 (upper image), Figure 8, Figure 18-21, Figure 24.

For these photos, the repeated application for confidential designation is approved and confidentiality is granted under the same terms as those in the February 2, 2022, and April 21, 2022, executive director's response letters.

All other figures in Attachment A are close ups of damaged equipment or equipment located away from its installed position and not revealing any plant security issues. Thus, Figure 3 (lower image)-Figure 7, Figure 9, Figure 17, Figure 22, Figure 23, Figure 25-37, are not confidential.

For the Bay Valve Report, none of the pictures show the RCEC facility and thus the photos are not substantially similar to the photos previously designated as confidential. In addition, since the photos are not of the RCEC facility, but of a single dismantled valve, the photos do not expose any security or facility vulnerability. Therefore, the entire Bay Valve Report set of photos is not confidential.

Be advised that under the California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy confidential records is issued by the CEC's chief counsel. Under the California Code of Regulations, title 20, section 2507, the executive director may disclose records, or release records previously designated as confidential, in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set forth in the California Code of Regulations, title 20, sections 2506-2508.

You may request that the CEC determine the confidentiality of records that the executive director denied confidential designation. You have 14 days to request that the CEC determine the confidentiality of the record. If you make such a request, the CEC will conduct a proceeding pursuant to the provisions in California Code of Regulations, title 20, section 2508.

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You may seek a confidential designation for information that is substantially similar to information for which an application for confidential designation was granted by the executive director by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have any procedural questions concerning this matter, please email Jared Babula at jared.babula@energy.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Bohan", with a long horizontal stroke extending to the right.

Drew Bohan
Executive Director