

DOCKETED

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Project Title:	Gem Energy Storage Center
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Document Title:	CEC Response Letter to Repeated Application for Confidentiality
Description:	For request letters dated May 11, 2022; May 19, 2022; May 20, 2022; and June 3, 2022.
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June 22, 2022

Via Email

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**Applications for Confidential Designation:
Data Adequacy Supplement No. 2 Response, Cultural Resources
Docket No. 21-AFC-02**

Dear Samantha G. Neumyer:

The California Energy Commission (CEC) has received the GEM A-CAES, LLC's (applicant) repeated applications for confidential designation dated May 11, 2022; May 19, 2022; May 20, 2022; and June 3, 2022; for cultural resources figures and information contained in the response to Data Adequacy Supplement No. 2 for the Application for Certification of the Gem Energy Storage Center. Confidential designation is sought for the following documents (Cultural Documents):

- Attachment DA5.3-5a Rincon Gem Missing Reports Pt. 2
- Attachment DA5.3-4 Gem Missing DPR Forms Pt. 3
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 5
- Attachment DA5.3-3 Paleowest Revised Survey Results Maps for All Transmission Route Alternatives
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 9
- Attachment DA5.3-4 Gem Missing DPR Forms Pt. 5
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 6
- Attachment DA5.3-4 Gem Missing DPR Forms Pt. 1
- Attachment DA5.3-5a Rincon Gem Missing Reports Pt. 1
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 2
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 2.5
- Attachment DA5.3-5a Rincon Gem Missing Report Pt. 3
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 7
- Attachment DA5.3-4 Gem Missing DPR Forms Pt. 4

- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 8
- Attachment DA5.3-5a Rincon Gem Missing Reports Pt. 8
- Attachment DA5.3-4 Gem Missing DPR Forms Pt. 6
- Attachment DA5.3-4 Gem Missing DPR Forms Pt. 2
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 3
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 10
- Attachment DA5.3-5a Rincon Gem Missing Reports Pt. 4
- Attachment DA5.3-5a Rincon Gem Missing Reports Pt. 5
- Attachment DA5.3-2a Rincon Revised Records Search Maps for Original Transmission Routes
- Attachment DA5.3-1a Gem Additional Records Search (0.5 mi to 1.0 mi of Gem Site) and Gem Site Survey Coverage Map
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 1
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 1.5
- Attachment DA5.3-5a Rincon Gem Missing Reports Pt. 6
- Attachment DA5.3-5a Rincon Gem Missing Reports Pt. 7
- Attachment DA5.3-2b Appendix A Records Search Results Map Paleowest-Revised
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 4
- Attachment DA5.3-5a Rincon Gem Missing Reports Pt. 1
- Attachment DA5.3-5b Paleowest Confidential Revised Appendix E Part 9
- Appendix A, Revised Records Search Results Map
- Montgomery, Kyle, Alyssa Newcomb, and Ryan Glenn. 2021. Cultural Resources Assessment Report for the Rosamund A-CAES Facility Project. Rincon Project No. 20-10466. On file with the South San Joaquin Valley Information Center, California State University, Bakersfield ("Rincon 2021 Report")

The applications state that certain documents relating to cultural resources within the Gem Energy Storage Center area, including confidential literature and archival research, was determined to be confidential indefinitely. The repeated applications note that the Cultural Documents contain information substantially similar, and the facts and circumstances relevant to the confidentiality of the information remain unchanged.

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

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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.

The applicant has met the requirements for repeated applications.

Conclusion

For the reasons stated, the repeated applications for confidential designation are approved, and confidentiality is granted under the same terms as those in the December 13, 2021, executive director's letter. The Cultural Documents will be maintained as confidential indefinitely.

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 records is issued by the CEC's chief counsel. Under the California Code of Regulations, title 20, section 2507, the executive director may disclose, 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 in the California Code of Regulations, title 20, sections 2506 to 2507.

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 regarding this application for confidential designation, please contact Jennifer Baldwin, senior attorney, at jennifer.baldwin@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director