

<b>DOCKETED</b>	
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<b>Project Title:</b>	01-AFC-7C Russell City Energy Company
<b>TN #:</b>	245567
<b>Document Title:</b>	Limited Request for Reconsideration and Tolling of Time for Appeal of Executive Director's Determination
<b>Description:</b>	N/A
<b>Filer:</b>	Amanda Cooley
<b>Organization:</b>	Ellison Schneider Harris & Donlan LLP
<b>Submitter Role:</b>	Applicant Representative
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August 19, 2022

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

**Re: Russell City Energy Center (01-AFC-07C): Limited Request for Reconsideration and Tolling of Time for Appeal of Executive Director's Determination**

Dear Mr. Bohan:

We are in receipt of your letter dated August 10, 2022 responding to the *Repeated Application for Confidential Designation (Supplemental) and Application for Confidential Designation for Attachment A to the Investigation Report Calpine Russell City Steam Turbine/Generator Event May 27, 2021, and Bay Valve Report*<sup>1</sup> (the "August 10<sup>th</sup> Letter").<sup>2</sup>

The August 10<sup>th</sup> Letter provides, in part, that the "...Appendix A photos not previously designated as confidential, and the Bay Valve Report photos are denied confidentiality."<sup>3</sup> The August 10<sup>th</sup> Letter further provides that the Russell City Energy Company, LLC (the "Applicant") has 14 days to request that the California Energy Commission ("Commission") determine the confidentiality of the record and that if such a request is made, the Commission will conduct a proceeding pursuant to the provisions in California Code of Regulations, title 20, section 2508.<sup>4</sup>

As described below, this *Limited Request for Reconsideration and Tolling of Time for Appeal of Executive Director's Determination* (this "Limited Request for Reconsideration") focuses on a subset of one of the two documents at issue in the August 10<sup>th</sup> Letter: *Attachment A to the Investigation Report Calpine Russell City Steam Turbine/Generator Event May 27, 2021* ("Attachment A"). Specifically, this Limited Request for Reconsideration has four principle purposes.

First, with respect to the first document, the Bay Valve Report, the Applicant confirms that it does not intend to challenge the determination that the Bay Valve Report photos will not receive confidential designation. While the Applicant continues to disagree for the reasons stated in its prior applications and filings, the Applicant will not request that the Commission determine the confidentiality of the Bay Valve Report photographs.

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<sup>1</sup> TN#: 243842.

<sup>2</sup> TN#: 244404.

<sup>3</sup> August 10<sup>th</sup> Letter, p. 5.

<sup>4</sup> August 10<sup>th</sup> Letter, p. 5.

Second, with respect to the second document at issue, Attachment A to the Investigation Report, the Applicant confirms that it does not intend to challenge the determination that the following subset of Attachment A photographs (referred to as “Figures” in Attachment A) will not receive confidential designation: Figure 17 and Figures 25-37. Again, while the Applicant continues to disagree for the reasons stated in its prior applications and filings, the Applicant will not challenge the Executive Director’s determination and request that the Commission determine the confidentiality of these photographs.

Third, the Applicant requests that you reconsider the determination that certain photographs contained in Attachment A to the Investigation Report will not be granted confidential designation in light of new information that arose subsequent to the submission of the supplemental application. Specifically, the Russell City Energy Center (“RCEC”) was recently the target of a significant security threat. This event will not be further described here, given its sensitivity. The Commission, the California Public Utilities Commission, and the California ISO, among others, were provided information about this serious threat.

Given the serious nature of this security event, the Applicant respectfully requests that the Executive Director reconsider the August 10<sup>th</sup> Letter’s determination with respect to the following Attachment A photographs: Figure 3 (lower image) through Figure 7, Figure 9, Figures 10-16, Figure 22, and Figure 23. Those photographs include depictions of not only the internal layout of the RCEC, but disclose the location of key facility components, including piping, fire system, and drain locations, which are essential to the operation of this facility.

Fourth, the Applicant requests that the 14-day period to request a confidentiality determination from the Commission be tolled while the determination related to Figure 3 (lower image) through Figure 7, Figure 9, Figures 10-16, Figure 22, and Figure 23 of Attachment A are reconsidered. The Applicant requests that this period be tolled pending a response to this Limited Request for Reconsideration.

Please contact Samantha Neumyer at 916-447-2166 or [sgn@eslawfirm.com](mailto:sgn@eslawfirm.com) should you have any questions or require additional information. Thank you.

Sincerely,



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