

**DOCKETED**

<b>Docket Number:</b>	01-EP-14C
<b>Project Title:</b>	Border Project - Compliance
<b>TN #:</b>	245686
<b>Document Title:</b>	MRP Border Application for Confidential Designation CR Report Appendices Part 11
<b>Description:</b>	N/A
<b>Filer:</b>	Deric Wittenborn
<b>Organization:</b>	Ellison Schneider Harris & Donlan LLP
<b>Submitter Role:</b>	Applicant Representative
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<b>Docketed Date:</b>	8/24/2022



August 22, 2022

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

RE: **Border Peaker Project (01-EP-14C): Application for Confidential Designation for Confidential Cultural Resources Report and Appendices (Appendix A, Parts 1-12) Submitted in Support of Petition for Post-Certification Amendment**

Dear Mr. Bohan:

Pursuant to Sections 2501 *et seq.*, of Title 20 of the California Code of Regulations, CalPeak Power-Border LLC (the "Applicant") hereby submits this *Application for Confidential Designation* for Confidential Cultural Resources Report and Appendices (Appendix A, Parts 1-12) submitted in support of the Petition for Post-Certification Amendment of the Border Peaker Project.

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

Sincerely,

/s/

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

Attorneys for Applicant

Cc: Linda Barrera, CEC Chief Counsel

**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**Border Peaker Project, (01-EP-14C)**

1. *Specifically indicate those parts of the record which should be kept confidential.*
  - a. *Title, date, and description (including number of pages) of the information or data for which you request confidential designation.*
  - b. *Parts of the information or data for which you request confidential designation*

CalPeak Power-Border LLC (the “Applicant”) seeks confidential designation for the following cultural resources information (“Information”):

<b>Title</b>	<b># of Confidential Pages</b>
Appendix A Part 1	372
Appendix A Part 2	188
Appendix A Part 3	86
Appendix A Part 4	87
Appendix A Part 5	88
Appendix A Part 6	80
Appendix A Part 7	66
Appendix A Part 8	111
Appendix A Part 9	161
Appendix A Part 10	72
Appendix A Part 11	64
Appendix A Part 12	161

The Information should be kept confidential in its entirety as it contains sensitive information regarding the location of certain cultural resources.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

The Information should be held confidential indefinitely.

3. *Cite and discuss:*
  - (a) *the provisions of the Public Records Act or other law that allow the Commission to keep the information or data confidential, and explain why the provision applies to the material.*
  - (b) *the public interest in nondisclosure of the material submitted for confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.*

The Information includes details regarding special status and locations in the areas surveyed on

