

DOCKETED

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TN #:	248193
Document Title:	CEC Response Letter to Willow Rock's 11-16-22 Repeated Application for Confidential Designation (TN 247495)
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December 21, 2022

Via Email

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**Repeated Application for Confidential Designation for Data Request
Response, Set 1, Workshop Responses (Biological Resources);
TN 247495
Docket No.: 21-AFC-02**

Dear Samantha Neumyer:

The California Energy Commission (CEC) has received WILLOW ROCK ENERGY STORAGE CENTER's (Willow Rock) (formerly GEM A-CAES, LLC's (GEM)) repeated application for confidential designation, dated November 16, 2022, (TN 247495) for documents submitted and described as Repeated Application for Confidential Designation for Data Request Response Set 1, Workshop Responses (Biological Resources):

1. Attachment DR34-1: Desert Tortoise Summary Report;
2. Attachment DR36-1: Desert Kit Fox Biological Memo Report; and
3. Attachment DR58-1: Focused Burrowing Owl Survey Report

The application states that confidential designation was granted on June 1, 2022, regarding certain information relating to biological resources for the Willow Rock Energy Storage Center (TN2243369). Applicant further states that the information that was previously granted confidential designation is substantially similar to the information contained in the listed documents, and that all facts and circumstances relating to the prior determination of confidentiality remain unchanged. This assertion is made under penalty of perjury.

CEC regulations permit information be designated as confidential on these grounds. Specifically, California Code of Regulations, title 20, section 2505(a)(4) provides:

Repeated Applications for Confidential Designation. 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.

The application for confidentiality previously submitted by applicant regarding Biological Resources documents was granted by letter dated June 1, 2022, based on California Code of Regulations, title 20, section 2505(a)(3)(A).

Therefore, applicant has established the identified records qualify for confidential designation pursuant to California Code of Regulations, title 20, section 2505(a)(4).

Conclusion

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.

If you have any procedural questions regarding this application for confidential designation, please email Kari Anderson, senior attorney, at kari.anderson@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director