

DOCKETED	
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Project Title:	Black Rock Geothermal Project (BRGP)
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Document Title:	Application for Confidential Designation for AFC Appendix 1A, Property Owners List
Description:	N/A
Filer:	Amanda Cooley
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
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April 18, 2023

Drew Bohan
Executive Director
California Energy Commission
715 P Street
Sacramento, CA 95814

RE: **Black Rock Geothermal Project (23-AFC-03): Application for Confidential Designation for AFC Appendix 1A, Property Owners List**

Dear Mr. Bohan:

Pursuant to Sections 2505 et seq., of Title 20 of the California Code of Regulations, Black Rock Geothermal LLC (the "Applicant") hereby submits this *Application for Confidential Designation* for Appendix 1A Property Owners List, of the Application for Certification of the Black Rock Geothermal Project.

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

Sincerely,

/s/

Samantha G. Neumyer
Christopher T. Ellison
Ellison Schneider Harris & Donlan LLP

Attorneys for Applicant

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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.*

Black Rock Geothermal LLC (“Applicant”) seeks confidential designation for the following information (the “Information”) submitted on behalf of the Black Rock Geothermal Project (“BRGP”):

AFC Appendix Number	Title	AFC Subject Area/ Description	# of Confidential Pages
1A	Property Owners List	Executive Summary	All pages

- b. *Parts of the information or data for which you request confidential designation.*

The Information should be kept confidential in its entirety.

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

The Information should be kept confidential indefinitely to protect the personal information contained therein.

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 Public Records Act (“PRA”) provides a specific exclusion from disclosure where “...on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” (Gov’t Code § 7922.000.)

The public interest served by not disclosing the Information clearly outweighs the public interest served by disclosure. The Information contains property owner information, including addresses, of the parcels surrounding the BRGP site. The protection of personal information is consistent with several PRA exemptions, such as those exempting from disclosure electronically collected personal information received by a state agency (Gov’t Code § 7927.400); exempting

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from disclosure the residence or mailing address of any person in any record of the Department of Motor Vehicles (Gov't Code § 7927.405); and directing state agencies from posting the home address or telephone number of any elected or appointed official on the internet without first obtaining written permission from the individual (Gov't Code § 7928.205).

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant considered whether it would be possible to aggregate or mask portions of the Information, and it may be possible to redact certain portions.

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

The Applicant is submitting the Information pursuant to an application for confidential designation out of an abundance of caution as it contains property owner information for the parcels surrounding the BRGP site. While property owner information may be publicly available, the Applicant is concerned with the disclosure of such information in a consolidated, easy-to-obtain fashion. The Information should be designated as confidential to limit access to the information contained therein.

I certify under penalty of perjury that the information contained in this Application for Confidential Designation is true, correct, and complete to the best of my knowledge and belief. I am authorized to make this Application and Certification on behalf of the Applicants.

Dated: April 18, 2023

By:

/s/

Samantha G. Neumyer
Christopher T. Ellison
Ellison Schneider Harris & Donlan LLP

Attorneys for Applicant