

**DOCKETED**

<b>Docket Number:</b>	80-AFC-01C
<b>Project Title:</b>	Sacramento Municipal Utility District SMUDGE0 #1
<b>TN #:</b>	249808
<b>Document Title:</b>	CEC Response Letter re Application for Confidential Designation dated March 30, 2023
<b>Description:</b>	N/A
<b>Filer:</b>	Ngoc Tran
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	4/19/2023 11:49:17 AM
<b>Docketed Date:</b>	4/19/2023



April 19, 2023

**Via Email**

Chase Maxwell  
Ellison Schneider Harris & Donlan LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, California 95816  
[ckm@eslawfirm.com](mailto:ckm@eslawfirm.com)

**Repeated Applications for Confidential Designation**

Geysers Unit 3, Sonoma (80-AFC-1C); (TN 249511)  
Geysers Unit 16, Quicksilver (79-AFC-5C); (TN 249513)  
Geysers Unit 17, Lakeview (79-AFC-1C); (TN 249512)  
Geysers Unit 18, Socrates (79-AFC-3C); (TN 249514)  
Geysers Unit 19, Calistoga (81-AFC-1C); (TN 249515)  
Geysers Unit 20, Grant (82-AFC-1C); (TN 249529)

Dear Chase Maxwell:

The California Energy Commission (CEC) has received Geysers Power Company, LLC's (applicant) six repeated applications for confidential designation dated March 30, 2023. These applications cover fire protection inspection, testing, and maintenance (ITM) records and corrective action reports submitted for the projects above. The ITM and corrective action reports were submitted in compliance with the conditions of certification Fire Protection-3, Fire Protection-4, and Fire Protection-5.

The applications state that by letter dated February 2, 2022, the CEC's executive director determined the ITM and corrective action reports to be confidential for two years from the report date. The repeated applications note that the records contain information that is substantially similar to previously submitted information that was granted confidential designation, and all 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 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 of the repeated application provision.

**Executive Director's Determination**

For these reasons, the repeated applications for confidential designation are approved and confidentiality is granted under the same terms as those in the February 2, 2022 letter. The records will be maintained as confidential for two years from the date of the records for the ITM and corrective action reports.

Be advised that under 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 confidential records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose records, 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 forth in California Code of Regulations, title 20, sections 2506-2508.

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 in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email [confidentialityapplication@energy.ca.gov](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director