

**DOCKETED**

|                         |   |
|-------------------------|---|
| <b>Docket Number:</b>   | 23-AFC-02   |
| <b>Project Title:</b>   | Elmore North Geothermal Project (ENGP)  |
| <b>TN #:</b>            | 250744  |
| <b>Document Title:</b>  | CEC Response Letter to Elmore North's June 8 Application for Confidential Designation |
| <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> | 6/26/2023 3:16:16 PM  |
| <b>Docketed Date:</b>   | 6/26/2023   |



June 26, 2023

**Via Email**

Samantha G. Neumyer  
Ellison, Schneider, Harris & Donlan, LLP  
2600 Capitol Ave, Suite 400  
Sacramento, California 95816  
[sgn@eslawfirm.com](mailto:sgn@eslawfirm.com)

**Repeated Application for Confidential Designation: Data Adequacy  
Supplemental Appendix DA5.3-2  
Docket No. 23-AFC-02**

Dear Samantha Neumyer:

The California Energy Commission (CEC) has received Elmore North Geothermal LLC's (applicant) repeated application for confidential designation, dated June 8, 2023 (TN 250557). The application requests confidential designation for the Data Adequacy Supplemental Appendix DA5.3-2 consisting of Cultural Resources Maps.

The applicant asserts that substantially similar documents were previously designated as confidential on May 1, 2023. The applicant further states under penalty of perjury that the information contained in the Data Adequacy Supplemental Appendix DA5.3-2 is "substantially similar to the previously submitted information and that all facts and circumstances relevant to confidentiality 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 application previously submitted by the applicant was granted on May 1, 2023, based on California Code of Regulations, title 20, section 2505(a)(3)(A) and Government Code sections 7927.000, 7927.005, and 7927.705.

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

**Executive Director's Determination**

For the reasons stated, the applicant's confidentiality application is granted. The information subject to this confidentiality designation will be kept confidential for an indefinite period.

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 the California Code of Regulations, title 20, sections 2506-2508.

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

Sincerely,



Drew Bohan  
Executive Director