

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-SPPE-01
<b>Project Title:</b>	STACK SVY03A Data Center Campus
<b>TN #:</b>	253259
<b>Document Title:</b>	CEC Response Letter re Confidentiality Application dated November 9, 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>	11/20/2023 11:48:08 AM
<b>Docketed Date:</b>	11/20/2023



**CALIFORNIA  
ENERGY COMMISSION**



November 20, 2023

**Via Email**

Scott A. Galati  
Dayzen LLC  
1720 Park Place Drive  
Carmichael, California 80290  
[sgalati@dayzenllc.com](mailto:sgalati@dayzenllc.com)

**Repeated Application for Confidential Designation:  
Cultural Resource Assessment Report for the Eden Landing Data Center  
Project, Docket No. 23-SPPE-01**

Dear Scott A. Galati:

The California Energy Commission (CEC) has received STACK Infrastructure's (applicant) repeated application for confidential designation, dated November 9, 2023 (TN 253058) covering the following cultural resources document:

Cultural Resource Assessment Report for the Eden Landing Data Center  
Project City of Hayward, Alameda County, California (Report)

The applicant requests the Report should be designated confidential by the CEC under California Code of Regulations, title 20, section 2505(a)(4) as a repeated application. The applicant further states under penalty of perjury that the information contained in the Report 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 October 23, 2023 (TN 252685), based on California Code of Regulations, title 20, section 2505(a)(3)(A) and Government Code sections 7927.000, 7927.005, and 7927.705.

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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 for the Report 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