

DOCKETED	
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Project Title:	STACK SVY03A Data Center Campus
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Document Title:	STACK Request For Confidentiality - Biology Figure 1, Attachment DR BIO-1 - SVY03A
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March 1, 2024

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

Subject: *Application for Confidential Designation*
Figure 1 - CNDDDB Occurrences, Attachment BIO DR-13
STACK SVY03A Data Center Campus (23-SPPE-01)

Dear Mr. Bohan,

STACK Infrastructure (STACK), as owner of the SVY03A Data Center Campus which includes the SVY03A Backup Generating Facility, requests that the attached information be designated confidential pursuant to 20 California Code of Regulations (CCR) Section 2505. This information is being supplied to the California Energy Commission (CEC) in support of its Application for a Small Power Plant Exemption docketed on September 14, 2023 and specifically to respond to Data Request 13.

In support of its Application for Confidential Designation, STACK provides the following information:

APPLICANT: STACK Infrastructure

ADDRESS: 1700 Broadway, Suite 1750
 Denver CO 80290

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

Figure 1 - CNDDDB Occurrences, Attachment BIO DR-13 to Response to Data Request 13, CEC Staff Data Request Set 1

1(b). Specify the part(s) of the record for which you request confidential designation.

Figure 1 identified above in 1(a) in its entirety:

2. State and justify the length of time the Commission should keep the record confidential.

The figure identified above should be kept confidential indefinitely to protect the potential locations of certain sensitive biological resources.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

Title 20 CCR Section 1940 requires STACK to submit specific information as outlined in *Appendix B, Information Requirements for an Application for Certification (AFC) or Small Power Plant Exemption (SPPE)*. Section (g) (13) (A) of Appendix B requires the submittal of biological resources information collected from the California Natural Diversity Database (“CNDDDB”) in the form of mapping. Section (g) (13) (A) specifically requires the mapping be submitted “under confidential cover”. California Government Code Section 7922.000 also provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure. The figure described above has been prepared to satisfy Appendix B, Section (g) (13) (A).

3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also 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 interest in nondisclosure outweighs public disclosure, as disclosure may enable the location of sensitive biological resources sites by entities conducting unauthorized collection or disturbance of such resources.

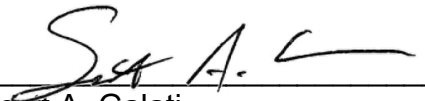
4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

STACK believes the CEC staff will require the specific information contained in the figure to properly perform its analysis. Aggregation of the information would hinder a complete CEC analysis. However, STACK believes the CEC can incorporate a generalized summary of information contained in the figure to properly state the basis for its analysis without disclosing information specific enough to facilitate unauthorized collection or disturbance of sensitive biological resources.

5. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

STACK has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the SVY03A Data Center Campus. Moreover, this information will not be disclosed to any other persons employed by or working for STACK except on a “need to know” basis. STACK is marking this information “Confidential” and is instituting a policy that segregates this information from other SVY03A Data Center Campus files and that access to it be restricted to a designated confidential information manager or managers within STACK or its attorneys/consultants.

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 I am authorized to make the application and certification on behalf of the applicant.



Scott A. Galati
Counsel to STACK Infrastructure