

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-SPPE-01
<b>Project Title:</b>	STACK SVY03A Data Center Campus
<b>TN #:</b>	255163
<b>Document Title:</b>	CEC's response letter to STACK Infrastructure's confidentiality application March 01, 2024
<b>Description:</b>	N/A
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<b>Organization:</b>	California Energy Commission
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<b>Docketed Date:</b>	3/18/2024



**CALIFORNIA  
ENERGY COMMISSION**



March 18, 2024

**Via Email**

Scott A. Galati  
Dayzen LLC  
1720 Park Place Drive  
Carmichael, California 95608  
[sgalati@dayzenllc.com](mailto:sgalati@dayzenllc.com)

**Repeated Application for Confidential Designation:  
Second Revision to 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, docketed March 1, 2024 (TN 254758) covering the second revision to the following document:

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

The applicant requests the Report be designated confidential by the CEC under California Code of Regulations, title 20, section 2505(a)(4) as a repeated application. The applicant 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 applicant's previous application was granted on October 23, 2023 (TN 252685), and was based on California Code of Regulations, title 20, section 2505(a)(3)(A), as well as Government Code sections 7927.000, 7927.005, and 7927.705. The CEC also granted confidentiality for the repeated application for the first revision on November 20, 2023 (TN 253259). Staff has reviewed the

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previous applications and confirmed that the information contained in the Report is substantially similar to the previously submitted information.

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 [confidentialityapplication@energy.ca.gov](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director