

DOCKETED	
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Project Title:	STACK SVY03A Data Center Campus
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May 2, 2024

Via Email

Scott A. Galati
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1720 Park Place Drive
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**Application for Confidential Designation:
STACK SVY03A Data Center Campus – CNDDDB Occurrences
Docket No. 23-SPPE-01**

Dear Scott A. Galati:

The California Energy Commission (CEC) has received STACK Infrastructure's (applicant) Application for Confidentiality, dated March 1, 2024 (TN 254764) covering Figure 1 – CNDDDB Occurrences.

The applicant states that the figure should be kept confidential indefinitely to protect the potential locations of certain sensitive biological resources. The applicant asserts Government Code section 7922.000 as the basis for confidentiality of the figure. The applicant states that the figure is accessible only to employees, attorneys, or consultants working on behalf of the applicant.

The applicant asserts, under Government Code section 7922.000, that the public interest in nondisclosure of the information outweighs disclosure because disclosing the figure may enable entities to locate sensitive biological resources and collect or disturb those resources without authorization.

A properly filed application for confidentiality shall be granted under California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [California Energy] Commission to keep the record confidential."

The CEC has consulted with the California Department of Fish and Wildlife (CDFW) to review the CNDDDB figure submitted by the applicant. Based on the resolution of the figure CEC staff have determined that disclosing the figure would result in potential risk to the identified biological resources. Therefore, the applicant has made a reasonable claim for the record to be maintained as confidential. Confidentiality is granted for the Figure 1 – CNDDDB Occurrences indefinitely.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a

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hearing to determine the confidentiality of the records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506 through 2508.

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a stylized flourish at the end.

Drew Bohan
Executive Director