

DOCKETED

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May 17, 2024

Via Email

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**Application for Confidential Designation: Willow Rock Energy Storage Center
Docket No. 21-AFC-02**

Dear Samantha G. Neumyer:

The California Energy Commission (CEC) has received applications for confidential designation from Willow Rock Energy Storage Center (applicant), docketed March 4, 2024 (TNs 254787, 254788). The applicant requests confidential designation for the following data:

- 1) Appendix 1B, Property Owner's Address and Map & Appendix 1D, Site-Related Property Owners and Relationship to Project Owner
- 2) Appendix 5.8A: Willow Rock Energy Storage Center Paleontological Resources

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 Commission to keep the record confidential."

1) Appendix 1B, Property Owner's Address and Map & Appendix 1D, Site-Related Property Owners and Relationship to Project Owner

The documents consist of the assessor parcel numbers, names and mailing addresses of the listed owners, and satellite images of the site. Some properties are owned by public agencies, trusts or corporations and do not include an individual's name. The applicant acknowledges in its application that while property owner information may be publicly available, the applicant is concerned with the disclosure of such information in a consolidated, easy-to-obtain fashion.

Therefore, the applicant is submitting the information pursuant to an application for confidential designation out of an abundance of caution to protect property owner information for the parcels surrounding the project site.

Under California Civil Code section 1798.24 an agency shall not disclose any personal information in a manner that would link the information disclosed to the individual to whom it pertains.

California Civil Code section 1798.3 defines the term "personal information" to mean any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual's name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history.

Executive Director's Determination

The applicant has made a reasonable claim that individual names associated with the addresses should be maintained as confidential indefinitely. As such, the applicant's request for confidential designation for the individual property owner names is granted. All other information contained in the record including the assessor parcel numbers, identification of company or public agency property owners, and addresses will remain public.

2) Appendix 5.8A, Willow Rock Energy Storage Center Paleontological Resources

The documents consist of paleontological locality records. The applicant states that the public interest in nondisclosure outweighs that of disclosure, as disclosure may reveal the location of sensitive paleontological resources to entities conducting unauthorized collection or disturbance of such resources.

California Government Code section 7922.000 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure.

The Paleontological Resources Preservation Act of 2009 provides for the protection of paleontological resources and states that information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under 5 U.S.C. section 552 and any other law. (16 U.S.C. § 470aaa-8.)

Executive Director's Determination

The applicant has made a reasonable claim that the paleontological records showing location information should be maintained as confidential indefinitely. As such, the applicant's request for confidential designation for the paleontological records is granted.

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 hearing to determine the confidentiality of its 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.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal stroke extending to the right.

Drew Bohan
Executive Director