

<b>DOCKETED</b>	
<b>Docket Number:</b>	22-SPPE-02
<b>Project Title:</b>	San Jose Data Center 04
<b>TN #:</b>	259340
<b>Document Title:</b>	CEC Response Letter to San Jose Data 04 Repeated App for Confidential Designation
<b>Description:</b>	N/A
<b>Filer:</b>	Marianna Brewer
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	9/27/2024 4:50:19 PM
<b>Docketed Date:</b>	9/27/2024



September 27, 2024

**Via Email**

Scott Galati  
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**Repeated Application for Confidential Designation: San Jose Data Center 04**

**Docket No. 22-SPPE-02**

Dear Scott Galati:

The California Energy Commission (CEC) received Microsoft Corporation's (applicant) application for confidentiality (TN 259123) docketed September 11, 2024, covering the following information:

- Revised Cultural Resource Assessment Report for the San Jose 04 Data Center (SJ04) Project, City of San Jose, Santa Clara County.

The application seeks confidentiality based on a repeated application, pursuant to California Code of Regulations, title 20, section 2505(a)(4).

Repeated Applications for Confidential Designation. 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 states under penalty of perjury that the information is substantially similar to the information previously designated confidential by the CEC, in response letter TN 256198, and that all facts and circumstances relevant to confidentiality remain unchanged.

## **Conclusion**

The application for confidentiality previously submitted by the applicant regarding cultural resources was granted by letter TN 256198, dated May 6, 2024. Therefore, by certifying under penalty of perjury that the information submitted is substantially similar to this prior submission and all the facts and circumstances relevant to confidentiality remain unchanged, the applicant has met the criteria for the identified records to be deemed confidential pursuant to California Code of Regulations, title 20, section 2505(a)(4). The documents will be maintained as confidential indefinitely, consistent with the time period originally 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](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director