

DOCKETED

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Project Title:	Willow Rock Energy Storage Center
TN #:	259494
Document Title:	CEC Response Letter to Willow Rock Energy Storage's Repeated App for Confidential Designation (Bio)
Description:	N/A
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October 09, 2024

Via Email

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**Repeated Application for Confidential Designation of Biological Resources
Information: Willow Rock Energy Storage Center
Docket No. 21-AFC-02**

Dear Samantha G. Neumyer:

The California Energy Commission (CEC) has received a repeated application for confidential designation from Willow Rock Energy Storage Center (applicant), docketed September 27, 2024 (TN 259339).

The applicant requests confidential designation for the following Biological Resources Information, provided as part of applicant's response to CURE Data Requests Set 1 in the Supplemental Application for Certification:

- Attachment DR26-1 – Utility Pole Locations Map Book
- Attachment DR33-1 – Survey Area and Drainages Map Book
- Attachment DR74-1 – 2023 and 2024 Swainson's Hawk Survey Nest Locations Map Book
- Attachment DR75-1 – 2023 and 2024 Swainson's Hawk Survey Hawk Locations Map Book

The application states that confidential designations were granted on June 1, 2022, and May 21, 2024, regarding certain information relating to biological resources for the Willow Rock Energy Storage Center (TNs 243369, 256496). The applicant further states that the information that was previously granted confidential designation is substantially similar to the information contained in the listed documents and that all facts and circumstances relating to the prior determination of confidentiality remain unchanged. These statements were made under penalty of perjury.

CEC regulations permit information be designated as confidential on these grounds. Specifically, California Code of Regulations, title 20, section 2505(a)(4) provides:

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.

Conclusion

The applications for confidentiality previously submitted by the applicant regarding biological resources documents were granted by letters dated June 1, 2022, and May 21, 2024, based on California Code of Regulations, title 20, section 2505(a)(3)(A). By certifying under penalty of perjury that the information submitted is substantially similar to the prior submissions 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 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,



Drew Bohan
Executive Director