

DOCKETED

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Project Title:	AVAIO Pittsburg Backup Generating Facility
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Document Title:	CEC's Response to AVAIO's 10-9-24 Application for Confidentiality - Bio
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Via Email

Scott A. Galati
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**Repeated Application for Confidential Designation: AVAIO Pittsburg Backup
Generating Facility**

Docket No. 24-SPPE-01

Dear Scott A. Galati:

The California Energy Commission (CEC) has received a repeated application for confidential designation from Pittsburg Data Hub, LLC - AVAIO (applicant), dated October 8, 2024 (TN 259501). The application requests confidential designation for the following records from the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB):

- CNDDBB Animal Map
- CNDDBB Plant Map

The applicant has withdrawn its request for confidentiality for the California Native Plant Society (CNPS) Plant List and the CNDDBB Species List. These records have been docketed in Docket No. 24-SPPE-01.

The applicant seeks confidentiality for these biological resources records submitted pursuant to California Code of Regulations, title 20, Section 2505(a)(4) as a repeated application.

California Code of Regulations, title 20, section 2505(a)(4) provides that if an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the executive director pursuant to 2505(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.

Here, the applicant has attested that the information contained in the application is substantially similar to the records previously designated as confidential by the CEC under section 2505(a)(3)(A) and that all the facts and circumstances relevant to confidentiality remain unchanged. The previous application was granted on May 17, 2024, (TN 256453), for an indefinite period. Therefore, the applicant has established 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 is granted. The CEC designates the above-described information as confidential indefinitely, consistent with the previous designation.

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.

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

Sincerely,



Drew Bohan
Executive Director