

DOCKETED

Docket Number:	01-AFC-07C
Project Title:	01-AFC-7C Russell City Energy Company
TN #:	221121
Document Title:	Russell City Energy Company LLC Repeated Application for Confidential Designation
Description:	Confidential site map re: Data Response A7
Filer:	Deric Wittenborn
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant
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Jeffery D. Harris
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September 11, 2017

Mr. Robert Oglesby, Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Russell City Energy Company (01-AFC-7C): Repeated Application for Confidential Designation

Dear Mr. Oglesby:

Pursuant to Title 20, section 2505(a)(4), of the California Code of Regulations, Russell City Energy Company, LLC (the "Applicant") hereby submits this Repeated Application for Confidential Designation for the Cultural Resources *Data Response A7* (TN #: 220698) submitted in support of the Petition for Modification for the Russell City Energy Center in the above referenced proceeding.

By letter dated August 14, 2014, the Executive Director approved the initial request for confidential designation of certain documents relating to cultural resources within the project area:

The California Public Records Act provides for the nondisclosure of archaeological site information and reports. Gov. Code, § 6254.10. The Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code, § 6254(k).) The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them. (16 U.S.C. §. 470hh.) Non-disclosure of cultural resources, such as the location information that you have submitted in Appendix B, is expressly in the public interest.

Data Response A7 will contain similar information in responding to Staff Data Request A7:

A7. Please provide a site plan or map that clearly indicates the location where the recent April 24, 2017, discovery of a cultural resource was found during excavation for the demineralization

project and submit that under confidential cover. The goal is for staff to be able to discern the proximity to the current proposed project.

The *Data Response A7* contains cultural resources information that is substantially similar to the previously submitted information and all facts and circumstances relevant to the confidentiality of the information remain unchanged. In addition, the Commission Staff specifically requested that the Applicant submit this Data Response “under confidential cover.”

I certify under penalty of perjury that the information contained in the Repeated Application for Confidential Designation is true, correct, and complete to the best of my knowledge and belief. I am authorized to make this repeated application and certification on behalf of the Applicant.

Sincerely,



Jeffery D. Harris
Attorneys for the Applicant

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