

DOCKETED

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Project Title:	Walsh Data Center
TN #:	228915
Document Title:	Walsh Backup Generating Facility Request For Confidentiality for Cultural Literature Search Results Report
Description:	N/A
Filer:	Scott Galati
Organization:	DayZenLLC
Submitter Role:	Applicant Representative
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July 8, 2019

Mr. Drew Bohan
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Subject: Application for Confidential Designation
Results of a CEQA Archaeological Literature Search for 651 Walsh
Ave, City and County of Santa Clara, California
Walsh Backup Generating Facility (19-SPPE-2)

Dear Mr. Bohan,

651 Walsh Partners, LLC (WP, LLC), as owner of Walsh Backup Generating Facility and Walsh Data Center (WBGF), requests that the attached information be designated confidential pursuant to 20 California Code of Regulations (CCR) Section 2505. This information is being supplied to the California Energy Commission (CEC) as report in support of WP, LLC's Application for Small Power Plant Exemption entitled, "Results of a CEQA Archaeological Literature Search for 651 Walsh Ave, City and County of Santa Clara, California", prepared by Holman & Associates, dated July 13, 2018.

In support of its Application for Confidential Designation, WP, LLC provides the following information:

APPLICANT: 651 Walsh Partners, LLC

ADDRESS: 908 Quality Way
Richardson, TX 75082

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

Results of a CEQA Archaeological Literature Search for 651 Walsh Ave, City and County of Santa Clara, California", prepared by Holman & Associates, dated July 13, 2018. We request that these documents, in their entirety, are granted confidential designation.

1(b). Specify the part(s) of the record for which you request confidential designation.

The reports identified above in 1(a), in their entirety.

2. State and justify the length of time the Commission should keep the record confidential.

The reports identified above should be kept confidential indefinitely to protect potential cultural resources and sites. If the descriptions of the locations of the sites are released to the public domain, there is potential for looting of that site.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

The reports identified above specifically identify and describe culturally sensitive materials discovered during construction. It is thus protected under Government Code Sections 6254(e) and 6254(k). Protection provided is analogous to that given to Native American sacred places under Section 6254(r) of the Government Code.

3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest will be served by nondisclosure by preventing looting of the cultural resources and sites described in the reports. Such looting would preclude scientific study of the sites to gain data about the cultural resources of the area.

4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

We do not believe aggregation is appropriate as aggregation of the information would hinder a complete CEC analysis and could subject the site to looting.

5. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

WP, LLC has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the WBGF. Moreover, this information will not be disclosed to any other persons employed by or working for WP, LLC except on a “need to know” basis. WP, LLC is marking this information “Confidential” and is instituting a policy that segregates this information from other WBGF files and that access to it be restricted to a designated confidential information manager or managers within WP, LLC or its attorneys/consultants.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct and complete to the best of my knowledge and I am authorized to make the application and certification on behalf of the applicant.



Scott A. Galati
Counsel to 651 Walsh Partners, LLC