

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-02
<b>Project Title:</b>	Walsh Data Center
<b>TN #:</b>	229510
<b>Document Title:</b>	651 Walsh Partners, LLC Application for Confidential Designation
<b>Description:</b>	Response to Data Request 16 - Chris Literature Search Results
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	651 Walsh Partners, LLC (WP, LLC)
<b>Submitter Role:</b>	Applicant
<b>Submission Date:</b>	8/22/2019 3:46:20 PM
<b>Docketed Date:</b>	8/15/2019



August 19, 2019

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

*Subject:* Application for Confidential Designation  
*RESPONSE TO DATA REQUEST 16*  
*CHRIS LITERATURE SEARCH RESULTS*  
Walsh Backup Generating Facility (19-SPPE-2)

Dear Mr. Bohan,

651 Walsh Partners, LLC (WP, LLC), as owner of Walsh Backup Generating Facility (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 Response to Data Request 16, CHRIS Literature Search Results.

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

APPLICANT: WP, 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.*

CEC Staff Data Request 16 requests that copies of documents cited in the Cultural Resources Report submitted to the Commission in support of the

Application for SPPE for the WBGF. Specifically, the Cultural Resources Report is 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. WP, LLC filed this report under a prior Request For Confidential Designation dated July 8, 2019.

The following are the reports requested by Staff in Data Request 16 and WP, LLC seeks with this Request For Confidential Designation that the entirety of the reports be deemed confidential.

1. Cartier, Robert  
1980 Archaeological Site Record for CA-SCL-430/H (P-43-433). On file at the Northwest Information Center, California Historical Resources Information System, Sonoma State University, Rohnert Park, California.
2. Kaijankoski, Philip, Jack Meyer, and Julia Costello  
*2012 Extended Phase 1 Archaeological Excavations for the US 101/De La Cruz Boulevard/Trimble Road Interchange Improvement Project, San Jose, Santa Clara County, California: 04-SCL-101, PM 40.5/41.5, EA 04-234-26470K.* On file at Northwest Information Center, California Historical Resources Information System, File No. S-40756.
3. Leventhal, Alan, Rosemary Cambra, and Andrew Galvan  
1990 Archaeological Site Record for CA-SCL-702 (P-43-1080). On file at the Northwest Information Center, California Historical Resources Information System, Sonoma State University, Rohnert Park, California.
4. Nadolski, John A. and Michelle St. Clair  
*2002 Archaeological Investigations for the 650 Walsh Avenue, Santa Clara: Wireless Communications Site, CA2261D.* On file at Northwest Information Center, California Historical Resources Information System, File No. S-25327.

*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 areas of potential cultural and historical significance. 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.*

WP, LLC believes the CEC staff will require the specific information contained in the reports to properly perform its analysis. Aggregation of the information would hinder a complete CEC analysis. However, WP, LLC believes the CEC incorporate a generalized summary of information contained in the reports to properly state the basis for its analysis without disclosing information specific enough to facilitate 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.



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Scott A. Galati  
Counsel to 651 Walsh Partners, LLC