



March 24, 2020

Mr. Jerry Salamy  
Jacobs  
2485 Natomas Park Dr.  
Sacramento, CA 95833

**APPLICATION FOR CONFIDENTIAL DESIGNATION: CULTURAL  
RESOURCES DATA, DOCKET NO. 19-SPPE-04**

Dear Mr. Salamy:

The California Energy Commission (CEC) is in receipt of Microsoft Corporation's (Applicant) Application for Confidentiality covering the following Cultural Resources Reports:

- 1) Cartier, Robert *Cultural Resource Investigation in Support of the San Jose Data Center Project, prepared by Paleowest Archaeology dated January 3, 2020* and all associated appendices; and
- 2) Figure DR12-1 *NWIC Literature Search Map*.  
1980 Archaeological Site Record for CA-SCL-430/H (P-43-433).

The application states that the reports should be kept confidential indefinitely to protect potential cultural resources and sites. According to your application, if the descriptions and locations of the sites are released to the public domain, there is potential for unauthorized collection or looting of the sites. The application also states that the public interest will be served by nondisclosure by preventing looting of the cultural resources and sites described in the reports, because such looting would preclude scientific study of the sites to gain data about the cultural resources of the area.

A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the California Energy Commission to keep the record confidential."