

**DOCKETED**

<b>Docket Number:</b>	21-AFC-02
<b>Project Title:</b>	Gem Energy Storage Center
<b>TN #:</b>	243853
<b>Document Title:</b>	CEC Response GEM Confidential Application June 28, 2022
<b>Description:</b>	N/A
<b>Filer:</b>	Pam Fredieu
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	7/6/2022 2:09:18 PM
<b>Docketed Date:</b>	7/6/2022



July 6, 2022

**Via Email**

Samantha G. Neumyer  
Ellison Schneider Harris & Donlan LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, California 95816  
[sgn@eslawfirm.com](mailto:sgn@eslawfirm.com)

**Applications for Confidential Designation  
Data Adequacy Supplement No. 3 Response, Cultural Resources  
Docket No. 21-AFC-02**

Dear Samantha G. Neumyer:

The California Energy Commission (CEC) has received the GEM A-CAES, LLC's (applicant) repeated application for confidential designation dated June 28, 2022; for cultural resources figures and information contained in the response to Data Adequacy Supplement No. 3 for the Application for Certification of the Gem Energy Storage Center. Confidential designation is sought for the following document (Cultural Document):

- Rotella, Brianna, Ken Victoriano, and Christopher Duran, *2022 Cultural Resources Assessment Report for Gen Energy Storage Center*. Rincon Project No. 22-12489. On file with the South San Joaquin Valley Information Center, California State University, Bakersfield.

The application states that certain documents relating to cultural resources within the Gem Energy Storage Center area, including confidential literature and archival research, were determined to be confidential indefinitely. The repeated application notes that the Cultural Document contains information substantially similar, and the facts and circumstances relevant to the confidentiality of the information remain unchanged.

California Code of Regulations title 20, section 2505(a)(4) states:

If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to section 2508, or for which an application for confidential designation was granted by the Executive

Director pursuant to subdivision (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.

The applicant has met the requirements for repeated applications.

### **Conclusion**

For the reasons stated, the repeated application for confidential designation is approved, and confidentiality is granted under the same terms as those in the December 13, 2021, executive director's letter. The Cultural Document will be maintained as confidential indefinitely.

Be advised that under the California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy records is issued by the CEC's chief counsel. Under the California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set in the California Code of Regulations, title 20, sections 2506 to 2507.

You may seek a confidential designation for information that is substantially similar to information for which an application for confidential designation was granted by the executive director by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have any procedural questions regarding this application for confidential designation, please contact Jared Babula, senior attorney, at [Jared.Babula@energy.ca.gov](mailto:Jared.Babula@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director