

DOCKETED

Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	247316
Document Title:	CEC Response Letter to Willow Rock's Repeated Application for Confidentiality 8-25-22; TN 245699
Description:	N/A
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November 7, 2022

Via Email

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Application for Confidential Designation: TN 245699
Attachment DR9-1: Survey Data Provided Under Confidentiality Request
Attachment DR31-1: Desert Tortoise Access Not Granted
Attachment DR36-1: Burrow and Den Characteristics
Docket No.: 21-AFC-02

Dear Samantha Neumyer:

The California Energy Commission (CEC) has received WILLOW ROCK ENERGY STORAGE CENTER's (WRESC) (formerly GEM A-CAES, LLC's (GEM)) repeated application for confidential designation, dated August 25, 2022, (TN 245699) for biological resources figures. Confidential designation is sought for the following documents (Biological Figures):

- CONFIDENTIAL Attachment DR9-1: SURVEY DATA PROVIDED UNDER CONFIDENTIALITY REQUEST
- CONFIDENTIAL Attachment DR31-1: DESERT TORTOISE ACCESS NOT GRANTED
- CONFIDENTIAL Attachment DR36-1: BURROW AND DEN CHARACTERISTICS

The application states that confidential designation was granted on June 1, 2022, to information containing biological resources that are substantially similar to the information contained in these three documents, and that all facts and circumstances relating to the prior determination of confidentiality remain unchanged. This assertion is made under penalty of perjury.

CEC regulations permit information to be designated as confidential on these grounds. Specifically, California Code of Regulations, title 20, section 2505(a)(4) provides:

Repeated Applications for Confidential Designation. 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

Samantha Neumyer

November 7, 2022

Page 2

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 applications previously submitted by the applicant were granted based on California Code of Regulations, title 20, section 2505(a)(3)(A).

Therefore, the applicant has established the identified records qualify for confidential designation pursuant to California Code of Regulations, title 20, section 2505(a)(4).

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 procedural questions regarding this application, please contact Kari Anderson, senior attorney, at kari.anderson@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director