

DOCKETED	
Docket Number:	97-AFC-02C
Project Title:	Sutter Power Plant Application for Certification
TN #:	250248
Document Title:	Application for Confidential Designation for Sutter Decarbonization Project Cultural Resources Assessment
Description:	N/A
Filer:	Amanda Cooley
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
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May 19, 2023

Mr. Drew Bohan
Executive Director
California Energy Commission
715 P Street
Sacramento, CA 95814

RE: **Sutter Energy Center (97-AFC-02C) Application for Confidential Designation for Sutter Decarbonization Project Cultural Resources Assessment**

Dear Mr. Bohan:

Pursuant to Sections 2505 *et seq.*, of Title 20 of the California Code of Regulations, CCFC Sutter Energy, LLC (the "Applicant") hereby submits this *Application for Confidential Designation* for Appendix C to the *Petition for Modification of the Sutter Decarbonization Project*, which contains confidential resources information.

Please contact us at (916) 447-2166 should you have any questions or require additional information. Thank you.

Sincerely,

/s/

Samantha G. Neumyer
Jeffery D. Harris
Ellison Schneider Harris & Donlan LLP

Attorneys for Applicant

Cc: Linda Barrera, CEC Chief Counsel

APPLICATION FOR CONFIDENTIAL DESIGNATION
Sutter Energy Center (97-AFC-02C)

1. *Specifically indicate those parts of the record which should be kept confidential.*
 - a. *Title, date, and description (including number of pages) of the information or data for which you request confidential designation.*

b. Parts of the information or data for which you request confidential designation

CCFC Sutter Energy, LLC (the “Applicant”) seeks confidential designation for cultural resources information (“the Information”) contained within Appendix C to the *Petition for Modification of the Sutter Decarbonization Project*.

The Information should be kept confidential in its entirety as it contains sensitive information regarding the location of certain cultural resources.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

The Information should be held confidential indefinitely to protect the cultural resources identified therein.

3. *Cite and discuss:*

(a) the provisions of the Public Records Act or other law that allow the Commission to keep the information or data confidential, and explain why the provision applies to the material.

The Public Records Act exempts from disclosure archaeological site information and reports maintained by or in the possession of agencies. (See, Govt. Code § 7927.005.) These provisions apply to the Information because it provides locational information regarding archaeological site information, including information maintained as confidential by the California Office of Historic Preservation and California Department of Parks and Recreation.

(b) the public interest in nondisclosure of the material submitted for confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please 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.

California Government Code Section 7922.000 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure. The public interest in nondisclosure outweighs that of disclosure, as disclosure may enable the location of sensitive cultural resources sites by entities conducting unauthorized collection or disturbance of such resources.

