

DOCKETED

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June 2, 2023

Via Email

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**Repeated Application for Confidential Designation: Cultural Resource
Assessment Report for the Bowers Backup Generating Facility
Docket No. 22-SPPE-01**

Dear Scott Galati:

The California Energy Commission (CEC) has received GI Partners' (applicant) repeated application for confidential designation, dated May 11, 2023 (TN 250124). The application requests confidential designation for the revised Cultural Resources Assessment for the Bowers Backup Generating Facility (22-SPPE-01).

The applicant asserts that substantially similar documents were previously designated as confidential on December 12, 2022. The applicant further states under penalty of perjury that the information contained in the revised Cultural Resources Assessment is "substantially similar to the previously submitted information and that all facts and circumstances relevant to confidentiality 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 application previously submitted by the applicant was granted on December 1, 2022, based on California Code of Regulations, title 20, section 2505(a)(3)(A) and Government Code section 7927.300. Applicant's reference to a December 12, 2022, letter is considered a typographical error, as a letter of that date does not exist in the docket.

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

Executive Director's Determination

For the reasons stated, the applicant's confidentiality application is granted. The information subject to this confidentiality designation will be kept confidential for an indefinite period.

Be advised that under 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 confidential records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose records, 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 forth in the California Code of Regulations, title 20, sections 2506-2508.

If you have questions, please email confidentialapplication@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director