

DOCKETED

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Document Title:	fwp_cultural_app_for_confidential_designation
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Submission Date:	6/26/2023 2:11:05 PM
Docketed Date:	6/26/2023



**APPLICATION FOR CONFIDENTIAL DESIGNATION
(Title 20 Cal. Code. Regs., § 2505 et seq.)**

CEC-13 (Revised 11/2021)

CALIFORNIA ENERGY COMMISSION

All confidential filings: Individual documents may not exceed 30 MB¹ or be password protected.² The application must be a separate document from the confidential materials. The application itself is not confidential and is a public record. The application will be reviewed and acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a))

If you have questions, contact the Docket Unit at (916) 654-5076 or email: docket@energy.ca.gov.

Existing proceedings: Applications for confidentiality and the confidential documents must be uploaded directly to the Docket Unit through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on most proceeding webpages labeled “**Submit e-filing.**” Alternatively, go to: https://efiling.energy.ca.gov/Login.aspx?perms_1&returnurl=http%3A//efiling.energy.ca.gov/EFiling/EfileSelect/Proceeding.aspx. Registration is necessary the first time documents are uploaded. Once registration is complete, to submit a confidential filing click on **Quick Actions** from the **DASHBOARD** and select **Submit Confidential e-filing** from the dropdown list. The application must be uploaded first followed by one or more confidential files.

Filings not associated with any proceeding: Applications for confidentiality and the confidential materials must be submitted directly to the **Docket Unit** in paper form or on a CD, but not by email. Two copies must be submitted, on separate media if electronic, each marked with a descriptive title and “Confidential.” (§ 1208.1)

TO: Energy Commission Docket Unit

Applicant: Fountain Wind, LLC

Address: 1001 McKinney, Suite 700, Houston, TX 77002

Phone and E-mail: 281.520.6995 // henry.woltag@connectgenllc.com

Proceeding or Project Name: Fountain Wind Project

Docket Number: 23-OPT-01

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

Please see the attached letter from Fountain Wind, LLC, which provides responses to Items 1-5.

- 1(b). Specify the part(s) of the information or data for which you request confidential designation.

¹ Contact the Docket Unit if you cannot reduce the size of your file.

² If you wish to protect the files while in transit, you may combine them in a password-protected .zip file..



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CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

3(b). Discuss the public interest in nondisclosure of the material submitted for a 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.

4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

I certify under penalty of perjury under the laws of the State of California that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: _____

Signed: _____



**APPLICATION FOR CONFIDENTIAL DESIGNATION
(Title 20 Cal. Code. Regs., § 2505 et seq.)**

CEC-13 (Revised 03/17)

CALIFORNIA ENERGY COMMISSION

DocuSigned by:

Name (print or type): sara parsons

Title: (print or type) Sara Parsons

Representing: Fountain Wind, LLC

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.



June 21, 2023

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

RE: Fountain Wind Project (Docket No. 23-OPT-01), Application for Confidential Designation

Dear Mr. Bohan,

Pursuant to Title 20, section 2505(a), of the California Code of Regulations, Fountain Wind, LLC (the "Applicant") hereby submits this *Application for Confidential Designation* for Native American Heritage Commission ("NAHC") Records Search Results; Tribal Addendum; Updated Cultural Resources Phase I Inventory; and Northeast Information Center ("NEIC") Search Results, all of which are submitted in support of the Application for Certification for the Fountain Wind Project and in response to Deficiency Requests CUL-003 through -0014 and CUL2-01 through -09.

Please contact us at 281-520-6995 or hwoltag@connectgenllc.com if you have any questions or require additional information regarding this application.

* * *

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.*

The Applicant seeks confidential designation for the documents outlined in Appendix A (Attachments 1-97).

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

The cultural resources information (Attachments 1-97) should be kept confidential in its entirety as it contains sensitive and confidential information regarding cultural resources, including tribal cultural resources and archaeological resources.

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

The cultural resources information (Attachments 1-97) should be kept confidential indefinitely in order to protect the cultural resources identified therein.

4. *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.*
 - 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.*



Cultural resources information (Attachments 1-97): The Public Records Act exempts from disclosure (1) information regarding Native American places, features, and objects and (2) archaeological site information and reports maintained by or in the possession of state or local agencies. (See Govt. Code §§ 7927.000, 7927.005.) These provisions apply to Attachments 1-97, which contain information regarding both Native American places, features and objects, and archaeological site information and reports maintained as confidential by the California Office of Historic Preservation and California Department of Parks and Recreation.

Government Code section 7922.000 further 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 thieves, vandals, or persons conducting unauthorized collection of materials.

5. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant considered whether it would be possible to aggregate or mask the information contained within the cultural resources documents (Attachments 1-97). However, even with masking or aggregation, the Applicant believes that disclosure of the documents could improperly disclose the location of sensitive cultural resources sites. Information within the cultural resources documents that can be publicly disclosed will be provided in the Cultural Resources section of the Application for Certification.

6. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

The Applicant has not disclosed any of the subject information in the cultural resources information (Attachments 1-97) to anyone other than its employees, attorneys, and consultants working on the Project. The cultural resources information also was disclosed confidentially to Shasta County during its previous consideration of the Project.

I certify under penalty of perjury that the information contained in this Application for Confidential Designation is true, correct, and complete to the best of my knowledge and belief. I am authorized to make this Application and Certification on behalf of the Applicant.

Dated: June 23, 2023

DocuSigned by:
By: *sara parsons*
7E3636F16E82493...
On behalf of Fountain Wind, LLC

Its: Authorized Representative

Appendix A. List of Attachments



Attachment Title	Date	Description
1. fwp_NEIC-002676_compressed.pdf	6/15/2023	NEIC records search results
2. fwp_NEIC-002682_compressed.pdf	6/15/2023	NEIC records search results
3. fwp_NEIC-002792_compressed.pdf	6/15/2023	NEIC records search results
4. fwp_NEIC-003368_compressed.pdf	6/15/2023	NEIC records search results
5. fwp_NEIC-003743_compressed.pdf	6/15/2023	NEIC records search results
6. fwp_NEIC-003757_compressed.pdf	6/15/2023	NEIC records search results
7. fwp_NEIC-003819_compressed.pdf	6/15/2023	NEIC records search results
8. fwp_NEIC-004088_compressed.pdf	6/15/2023	NEIC records search results
9. fwp_NEIC-004089_compressed.pdf	6/15/2023	NEIC records search results
10. fwp_NEIC-004092_compressed.pdf	6/15/2023	NEIC records search results
11. fwp_NEIC-004154_compressed.pdf	6/15/2023	NEIC records search results
12. fwp_NEIC-004481_compressed.pdf	6/15/2023	NEIC records search results
13. fwp_NEIC-004943_compressed.pdf	6/15/2023	NEIC records search results
14. fwp_NEIC-005004_compressed.pdf	6/15/2023	NEIC records search results
15. fwp_NEIC-005100_compressed.pdf	6/15/2023	NEIC records search results
16. fwp_NEIC-005697_compressed.pdf	6/15/2023	NEIC records search results
17. fwp_NEIC-005702_compressed.pdf	6/15/2023	NEIC records search results
18. fwp_NEIC-005739_compressed.pdf	6/15/2023	NEIC records search results
19. fwp_NEIC-005768_compressed.pdf	6/15/2023	NEIC records search results
20. fwp_NEIC-006341_compressed.pdf	6/15/2023	NEIC records search results
21. fwp_NEIC-006494_compressed.pdf	6/15/2023	NEIC records search results
22. fwp_NEIC-006549_compressed.pdf	6/15/2023	NEIC records search results
23. fwp_NEIC-006578_compressed.pdf	6/15/2023	NEIC records search results



Attachment Title	Date	Description
24. fwp_NEIC-006583_compressed.pdf	6/15/2023	NEIC records search results
25. fwp_NEIC-006585_compressed.pdf	6/15/2023	NEIC records search results
26. fwp_NEIC-006599_compressed.pdf	6/15/2023	NEIC records search results
27. fwp_NEIC-006725_compressed.pdf	6/15/2023	NEIC records search results
28. fwp_NEIC-006745_compressed.pdf	6/15/2023	NEIC records search results
29. fwp_NEIC-006774_compressed_Part1.pdf	6/15/2023	NEIC records search results
30. fwp_NEIC-006774_compressed_Part2.pdf	6/15/2023	NEIC records search results
31. fwp_NEIC-006774_compressed_Part3.pdf	6/15/2023	NEIC records search results
32. fwp_NEIC-006774_compressed_Part4.pdf	6/15/2023	NEIC records search results
33. fwp_NEIC-006774_compressed_Part5.pdf	6/15/2023	NEIC records search results
34. fwp_NEIC-006774_compressed_Part6.pdf	6/15/2023	NEIC records search results
35. fwp_NEIC-007520_compressed.pdf	6/15/2023	NEIC records search results
36. fwp_NEIC-008700_compressed.pdf	6/15/2023	NEIC records search results
37. fwp_NEIC-008773_compressed.pdf	6/15/2023	NEIC records search results
38. fwp_NEIC-008797_compressed.pdf	6/15/2023	NEIC records search results
39. fwp_NEIC-008800_compressed.pdf	6/15/2023	NEIC records search results
40. fwp_NEIC-008830_compressed.pdf	6/15/2023	NEIC records search results
41. fwp_NEIC-008921_compressed.pdf	6/15/2023	NEIC records search results
42. fwp_NEIC-008948_compressed.pdf	6/15/2023	NEIC records search results
43. fwp_NEIC-009636_compressed.pdf	6/15/2023	NEIC records search results
44. fwp_NEIC-009735_compressed.pdf	6/15/2023	NEIC records search results
45. fwp_NEIC-009838_compressed.pdf	6/15/2023	NEIC records search results
46. fwp_NEIC-010143_compressed.pdf	6/15/2023	NEIC records search results



Attachment Title	Date	Description
47. fwp_NEIC-010146_compressed.pdf	6/15/2023	NEIC records search results
48. fwp_NEIC-010907_compressed.pdf	6/15/2023	NEIC records search results
49. fwp_NEIC-011165_compressed.pdf	6/15/2023	NEIC records search results
50. fwp_NEIC-011333_compressed.pdf	6/15/2023	NEIC records search results
51. fwp_NEIC-012037_compressed.pdf	6/15/2023	NEIC records search results
52. fwp_NEIC-012080_compressed.pdf	6/15/2023	NEIC records search results
53. fwp_NEIC-012099_compressed.pdf	6/15/2023	NEIC records search results
54. fwp_NEIC-012213_compressed.pdf	6/15/2023	NEIC records search results
55. fwp_NEIC-012267_compressed.pdf	6/15/2023	NEIC records search results
56. fwp_NEIC-012286_compressed.pdf	6/15/2023	NEIC records search results
57. fwp_NEIC-012332_compressed.pdf	6/15/2023	NEIC records search results
58. fwp_NEIC-012341_compressed.pdf	6/15/2023	NEIC records search results
59. fwp_NEIC-012349_compressed_part1.pdf	6/15/2023	NEIC records search results
60. fwp_NEIC-012349_compressed_part2.pdf	6/15/2023	NEIC records search results
61. fwp_NEIC-012369_compressed.pdf	6/15/2023	NEIC records search results
62. fwp_NEIC-012513_compressed.pdf	6/15/2023	NEIC records search results
63. fwp_NEIC-012940_compressed.pdf	6/15/2023	NEIC records search results
64. fwp_NEIC-013255_compressed.pdf	6/15/2023	NEIC records search results
65. fwp_NEIC-013279_compressed.pdf	6/15/2023	NEIC records search results
66. fwp_NEIC-013281_compressed.pdf	6/15/2023	NEIC records search results
67. fwp_NEIC-013282_compressed.pdf	6/15/2023	NEIC records search results
68. fwp_original_DPR_45-001854_compressed.pdf	6/15/2023	DPR form (original CR Phase I Inventory)



Attachment Title	Date	Description
69. fwp_original_DPR_45-002017_compressed.pdf	6/15/2023	DPR form (original CR Phase I Inventory)
70. fwp_original_DPR_45-002025_compressed.pdf	6/15/2023	DPR form (original CR Phase I Inventory)
71. fwp_original_DPR_45-002560_compressed.pdf	6/15/2023	DPR form (original CR Phase I Inventory)
72. fwp_original_DPR_45-002870_compressed.pdf	6/15/2023	DPR form (original CR Phase I Inventory)
73. fwp_original_DPR_45-002939_compressed.pdf	6/15/2023	DPR form (original CR Phase I Inventory)
74. fwp_updated_record_search_Resource list_compressed.pdf	6/15/2023	DPR forms (updated CR Phase I Inventory)
75. fwp_2019_NEIC_hand-marked_maps_1-11_compressed.pdf	6/15/2023	NEIC records search results
76. fwp_2023_NEIC_search_Reports_Hand-plot_map_compressed.pdf	6/15/2023	NEIC records search results
77. fwp_NE23-64_compressed.pdf	6/15/2023	NEIC records search results
78. fwp_NE23-241_compressed.pdf	6/15/2023	NEIC records search results
79. fwp_NEIC_project_area_report_list_compressed.pdf	6/15/2023	NEIC records search results
80. fwp_NEIC-000585_compressed.pdf	6/15/2023	NEIC records search results
81. fwp_NEIC-000730_compressed.pdf	6/15/2023	NEIC records search results
82. fwp_NEIC-000827_compressed_part1.pdf	6/15/2023	NEIC records search results
83. fwp_NEIC-000827_compressed_part2.pdf	6/15/2023	NEIC records search results
84. fwp_NEIC-001105_compressed.pdf	6/15/2023	NEIC records search results
85. fwp_NEIC-001246_compressed.pdf	6/15/2023	NEIC records search results
86. fwp_NEIC-001275_compressed.pdf	6/15/2023	NEIC records search results
87. fwp_NEIC-001345_compressed.pdf	6/15/2023	NEIC records search results
88. fwp_NEIC-001726_compressed.pdf	6/15/2023	NEIC records search results



Attachment Title	Date	Description
89. fwp_NEIC-001778_compressed.pdf	6/15/2023	NEIC records search results
90. fwp_NEIC-001784_compressed.pdf	6/15/2023	NEIC records search results
91. fwp_NEIC-002137_compressed.pdf	6/15/2023	NEIC records search results
92. rpt_ftnwind_cul_resources_jun2023_compiled_Part4.pdf	6/15/2023	Updated Cultural Resources Phase I Inventory Report
93. rpt_ftnwind_cul_resources_jun2023_compiled_Part1.pdf	6/15/2023	Updated Cultural Resources Phase I Inventory Report
94. rpt_ftnwind_cul_resources_jun2023_compiled_Part2.pdf	6/15/2023	Updated Cultural Resources Phase I Inventory Report
95. rpt_ftnwind_cul_resources_jun2023_compiled_Part3.pdf	6/15/2023	Updated Cultural Resources Phase I Inventory Report
96. fwp_2017_2019_NAHC req and response_compressed.pdf	6/15/2023	NAHC search request and response
97. fwp_#11520878_v1_Tribal Addendum_Final 03242020_compressed.pdf	6/15/2023	Tribal Addendum