

DOCKETED	
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Project Title:	Morton Bay Geothermal Project (MBGP)
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July 26, 2023

Via Email

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**Repeated Application for Confidential Designation: Morton Bay Geothermal Project for Data Adequacy Supplemental Appendix
Docket No. 23-AFC-01**

Dear Samantha Neumyer:

The California Energy Commission (CEC) has received Morton Bay Geothermal LLC's (applicant) repeated application for confidential designation, dated June 8, 2023 (TN 250556). The application requests confidential designation for the Data Adequacy Supplement Appendix DA 5.3-2, submitted in support of the Application for Certification for the Morton Bay Geothermal Project (MBGP).

The applicant asserts that substantially similar documents relating to cultural resources within the MBGP area were previously designated as confidential on May 22, 2023. The applicant further states under penalty of perjury that the information contained in the Data Adequacy Supplemental Appendix 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 May 22, 2023, based on California Code of Regulations, title 20, section 2505(a)(3)(A) and Government Code sections 7927.000 and 7927.005. Therefore, the applicant has established that the identified record qualifies 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,

A handwritten signature in dark ink, appearing to be 'Drew Bohan', with a stylized, sweeping line extending to the right.

Drew Bohan
Executive Director