

DOCKETED

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ELLISON, SCHNEIDER & HARRIS L.L.P.

ANNE J. SCHNEIDER
1947-2010

CHRISTOPHER T. ELLISON
JEFFERY D. HARRIS
DOUGLAS K. KERNER
ROBERT E. DONLAN
ANDREW B. BROWN
GREGGORY L. WHEATLAND
CHRISTOPHER M. SANDERS
LYNN M. HAUG
PETER J. KIEL
ELIZABETH P. EWENS
RONALD LIEBERT

ATTORNEYS AT LAW
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO, CALIFORNIA 95816
TELEPHONE: (916) 447-2166
FACSIMILE: (916) 447-3512
<http://www.eslawfirm.com>

BRIAN S. BIERING
CRAIG A. CARNES, JR.
JEDEDIAH J. GIBSON
CHASE B. KAPPEL
SHANE E. C. MCCOIN
SAMANTHA G. POTTENGER

January 27, 2014

Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

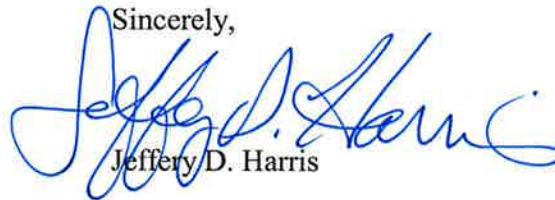
Re: Application for Confidential Designation of Paleontological Resources Information by the Los Esteros Critical Energy Facility Project [03-AFC-2C]

Dear Mr. Oglesby:

Pursuant to Sections 2501, *et seq.* of Title 20 of the California Code of Regulations, Los Esteros Critical Energy Facility, LLC ("Applicant") hereby submits this "Application for Confidential Designation" for the Los Esteros Critical Energy Facility, relating to paleontological resources.

Please feel free to contact us at (916) 447-2166 should you have any questions or require additional information. Thank you for your consideration of the Applicant's request.

Sincerely,



Jeffery D. Harris

Attorneys for the Applicant

enclosure

APPLICATION FOR CONFIDENTIAL DESIGNATION

Los Esteros Critical Energy Facility – [03-AFC-2C]
Los Esteros Critical Energy Facility, LLC (“Applicant”)

Paleontological Resources

1. *Specifically indicate those parts of the record which should be kept confidential.*

Los Esteros Critical Energy Facility Final Paleontological Resources Report pursuant to Condition of Certification PAL-6.

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

This information should be held confidential indefinitely in order to protect the paleontological resources identified therein.

3. *Cite and discuss (i) the provisions of the Public Records Act or other law which allow the commission to keep the record confidential and (ii) the public interest in nondisclosure of the record.*

The Commission’s regulations require that this information be submitted under a request for confidential designation. Calif. Code of Regulations, Title 20, Chapter 5, Appendix B, section (g)(16)(D). Furthermore, the information is exempt from disclosure pursuant to Government Code section 6254.10, which provides that a lead agency is not required under the Public Records Act to disclose “records that relate to archaeological site information and reports” either maintained by or in the possession of the agency. The public interest in nondisclosure is that disclosure may enable location of these resources by thieves, vandals, or persons conducting unauthorized collection of materials. It is in the public interest to keep such information confidential to ensure that these resources are protected from unauthorized collection.

4. *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. However, no feasible method of aggregating or masking the information could be identified that would not either disclose the information or render the information provided useless.

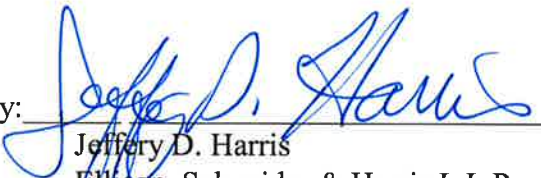
5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

Applicant has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the Los Esteros Critical Energy Facility. Moreover, this information has not been disclosed to persons employed by or working for Applicant except on a “need-to-know” basis. It is my understanding that the Applicant is marking this information as “confidential,” instituting a policy that it be segregated from other Los Esteros Critical Energy Facility files, and requiring that access to it be restricted to a designated confidential information manager within Applicant or its attorneys, consultants, and agents.

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 the Application and Certification on behalf of Applicant.

Dated: January 27, 2014

ELLISON, SCHNEIDER & HARRIS LLP

By: 
Jeffery D. Harris
Ellison, Schneider & Harris L.L.P.
Attorneys for Applicant