

DOCKETED

Docket Number:	89-AFC-01
Project Title:	Application for Certification for Luz IX and X Projects
TN #:	216673
Document Title:	Luz' Second Application for Confidential Designation
Description:	Paleo Environmental Associates/Paleontologic Resource Assessment
Filer:	Patty Paul
Organization:	California Energy Commission
Submitter Role:	Applicant
Submission Date:	3/23/2017 1:41:55 PM
Docketed Date:	3/23/2017

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ALLAN J. THOMPSON
PARTNER

September 14, 1989

DOCKET
89-AFC-1
DATE: SEP 14 1989
RECD: SEP 14 1989

VIA MESSENGER

Mr. Gary Heath
Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Re: Luz SEGS IX and X / 89-AFC-1

Enclosed please find an original and thirteen (13) copies of Luz' Application for Confidential Designation of the Paleontologic Resource Assessment and Application for Confidential Designation of the Cultural Resource Investigation for filing with the California Energy Commission in the above-captioned matter.

Also enclosed is one copy each of the above-listed reports.

Please return a stamped copy of each application to our offices in the envelope provided.

Sincerely,

Allan J. Thompson / fm

Allan J. Thompson

AJT:lm
Enclosures
LUZ2/L-02

LAW OFFICES OF
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September 14, 1989

CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814

APPLICATION FOR CONFIDENTIAL DESIGNATION
(20 California Administrative Code, Section 2505)

Applicant (name of individual, business entity, or other
organization owning the record):

Luz Development and Finance Corporation

Address:

Luz Development and Finance Corporation
924 Westwood Boulevard, Suite 1000
Los Angeles, California 90024

Phone: (213) 208-7444

1. (a) Title, date, and description (including number of
pages) of the record.

A cover page and 23-page document entitled
"Paleontologic Resource Assessment Luz Solar Energy
Generating System Harper Lake Area, San Bernardino
County, California" and dated June, 1989.

- (b) Specify the part(s) of the record for which you request
confidential designation.

The entire document entitled "Paleontologic Resource
Assessment Luz Solar Energy Generating System Harper
Lake Area, San Bernardino County, California" should be
kept confidential.

2. State and justify the length of time the Commission should
keep the record confidential.

The Commission should keep this document confidential in perpetuity due to the sensitive nature of the material contained in the report. Should this report become part of the public record, the possibility exists that members of the general public may attempt to locate and remove or destroy the paleontologic resources described in the report.

3. (a) State the provision(s) of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) applies to the record.

The Public Records Act (Cal. Gov't Code § 6250 et seq.) and, specifically, Cal. Gov't Code § 6255; California Public Resources Code § 25218(e); Cal. Evid. Code § 1040; and this Commission's rules (Cal. Admin. Code, Tit. 20, § 2505) allow for the confidential designation of certain documents where disclosure of the information would be contrary to the public interest. As explained in (b) below, nondisclosure of sensitive paleontologic information is in the public interest.

- (b) Discuss the public interest in non-disclosure of the record.

It is in the public interest to ensure that sensitive paleontologic site information is not released to the public. The resources studied for purposes of this report include rock units that may contain fossil remains. If this information is released, the fossil remains could be uncovered by and lost to unauthorized fossil collecting. Additionally, release of the information contained in this report to rock hounds and commercial collectors could result in the loss of other scientifically important specimens and associated geologic data.

4. State whether the record may 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.

The material contained in the above-referenced document may be disclosed if aggregated with other material or masked to conceal certain sensitive sections. If the Commission's staff finds that disclosure of a portion of the document is in the public interest, Applicant will work with the staff

to determine which portions should be aggregated or masked prior to disclosure.

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

A limited number of copies of the attached document have been produced. Copies retained by Paleo Environmental Associates, who prepared the report, ENSR Consulting and Engineering, Luz' environmental consultant; Jackson, Tufts, Cole and Black, Luz' counsel, and Luz. These copies have not been loaned or given to any party who is not employed by or affiliated with the Applicant.

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 that I am authorized to make the application and certification on behalf of the applicant.

Dated: September 14, 1989

By Allan J. Thompson / Lm
Allan J. Thompson
Attorney for Luz Development and
Finance Corporation

ATTACH THIS APPLICATION TO THE RECORD FOR WHICH CONFIDENTIALITY IS REQUESTED.

EKE/ag
14294/009/LT002.EKE

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)
)
Application for Certification) DOCKET NO. 89-AFC-1
for Luz Engineering Corpora-)
tion's LUZ SEGS IX & X Projects)
_____)

PROOF OF SERVICE

I, Lisette Meyer, declare that on September 14, 1989 I deposited two "Applications for Confidential Designation" for the above-captioned project in the United States mail at San Francisco, California, with first class postage thereon fully prepaid and addressed to the following, with the exception of those being sent to the California Energy Commission which were delivered by courier.

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Charles R. Imbrecht, Chairman
Presiding Committee Member
1516 Ninth Street, MS-34
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I am and was at the time of the attached paper(s) over the age of 18 and not a party to the proceeding. I declare under penalty of perjury that the foregoing is true and correct.

M. Lurette Meyer

14294E/22