

## DOCKETED

<b>Docket Number:</b>	08-AFC-08A
<b>Project Title:</b>	Hydrogen Energy Center Application for Certification Amendment
<b>TN #:</b>	200032
<b>Document Title:</b>	HECA Application for Confidential Designation
<b>Description:</b>	N/A
<b>Filer:</b>	Tiffani Winter
<b>Organization:</b>	Michael Carroll, Applicant's Counsel
<b>Submitter Role:</b>	Applicant's Representative
<b>Submission Date:</b>	7/23/2013 4:24:23 PM
<b>Docketed Date:</b>	7/23/2013

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CALIFORNIA ENERGY COMMISSION

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DOCKET OFFICE

July 22, 2013

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

Re: **Application for Confidential Designation**  
Hydrogen Energy California Power Plant (08-AFC-8A)  
Confidential Extended Phase I Work Plan

Dear Mr. Oglesby:

Hydrogen Energy California, LLC ("Applicant") proposed the Hydrogen Energy California integrated gasification combined cycle facility (08-AFC-8) on July 31, 2008 ("Project"). On May 2, 2012, Applicant filed an Amended AFC and a new Docket number, 08-AFC-8A, was assigned.

As part of the investigation of the Project's potential to effect Cultural Resources, Applicant prepared the attached Confidential Extended Phase I Work Plan (the "Confidential Record"). On June 4, 2013, Applicant previously requested confidentiality for substantially similar information related to the Confidential Extended Phase I Work Plan pursuant to California Government Code § 6254(r)(Docket No. 71209).

The Confidential Record contains sensitive information related to cultural, archaeological, paleontological or historical objects, structures, landscapes, resources, sacred places, or sites of concern to local Native Americans or other ethnic groups, or resources or objects described in California Public Resources Code §§ 5097.9 or 5097.993. If the information in the Confidential Record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage sensitive cultural, archaeological, historical and/or paleontological resources.

According to the CEC's regulations, an application for confidential designation for information that is substantially similar to information that was previously deemed confidential by the CEC will be approved if the Applicant properly certifies the information, as provided

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herein. *See* Title 14, California Code of Regulations, § 2505(a)(4). Accordingly, Applicant requests that the entire Confidential Record be designated confidential as substantially similar to the information previously provided.

Applicant requests that the Confidential Record not be disclosed even if aggregated with other information or redacted to conceal certain information. If the information in the Confidential Record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage sensitive cultural, archaeological, historical and/or paleontological resources. The Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, consultants, others working as part of the Project application or others with a specific need for the information.

I have been authorized to make this application and certification on behalf of the Applicant. With my signature to this letter, 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.

Very truly yours,

*/s/ Michael Carroll*

Michael Carroll  
of LATHAM & WATKINS LLP