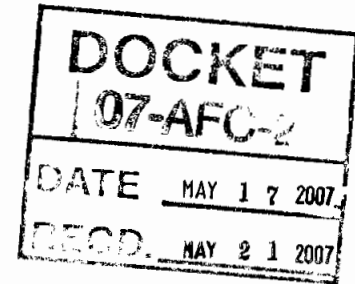


CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

May 17, 2007

Mr. Scott A. Galati
Galati Blek, LLP
555 Capitol Avenue, Suite 600
Sacramento, CA 95814



RE: **Archaeological Information Application for Confidentiality,
San Gabriel Generating Station Project,
Docket No. 07-AFC-02**

Dear Mr. Galati:

On April 19, 2007, San Gabriel Power Generation, LLC filed an application for confidentiality on behalf of the San Gabriel Generating Station Project (San Gabriel) (Docket No.07-AFC-02). The application seeks confidentiality for archaeological information records (Appendix B) (hereinafter referred to as "Appendix B"). San Gabriel states, in part, that Appendix B should be kept confidential and asserts:

Confidential Appendix B . . . identifies areas of potential cultural significance. It is thus protected under Government Code Sections 6254(e) and 6254(k). Protection provided is analogous to that given to Native American sacred places under Section 6254(r) of the Government Code. . . . The public interest will be served by nondisclosure by preventing looting of the cultural resources sites described in Confidential Appendix B . . .

A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [Energy] Commission to keep the record confidential."

The California Public Records Act recognizes the confidentiality principles of federal law. (Gov. Code, sec. 6254(k).) The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of archeological records, such as the information that you have submitted in the Appendix B, is expressly in the public interest. Therefore, San Gabriel's April 19, 2007, confidentiality application for archaeological information is granted in its entirety. Appendix B will be kept confidential for an indefinite period.


Any subsequent submittals related to archaeological or paleontological resources can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially

Mr. Scott A. Galati
May 17, 2007
Page 2

similar to the information granted confidentiality by this determination.

Be advised that persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. If you have any questions concerning this matter, please contact Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,



B. B. BLEVINS
Executive Director

cc: Docket Unit
Energy Commission Project Manager