

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO CA 95814-5512

March 20, 2008

Mr. Michael J. Carroll
Latham & Watkins LLP
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626-1925

DOCKET	
07-AFC-3	
DATE	MAR 20 2008
RECD.	MAR 24 2008

**RE: Cultural / Archaeological Records: Application for Confidentiality,
CPV Sentinel Energy Project,
Docket No. 07-AFC-3**

Dear Mr. Carroll:

On February 25, 2008, CPV Sentinel (Sentinel) filed an application for confidentiality pertaining to the above captioned docket. The application seeks confidentiality for the "Confidential Cultural Records Search Data, February 19, 2008."

Sentinel's application for confidentiality states, in part:

The results of this search are confidential because they include copies of archaeological surveys and studies, including information regarding the location of archaeological sites identified within the search radius. . . . CPV requests that the enclosed Cultural Records be designated confidential pursuant to 20 Cal. Code Regs. Section 2505 . . . CPV requests that the entirety of the enclosed Cultural Records data be kept confidential indefinitely in order to ensure protection of potentially sensitive resources. CPV requests that the Cultural Records data not be disclosed even if aggregated with other information or redacted to conceal certain information.

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, § 6254(k).) The Archaeological Resources Protection Act (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. § 470hh.) Non-disclosure of the archaeological and cultural resources, such as the information that you have submitted, is expressly in the public interest to be kept confidential pursuant to the Act. Therefore, Sentinel's application will be granted confidentiality in its entirety, and it will be kept confidential for an indefinite period.

Mr. Michael J. Carroll
March 20, 2008
Page 2

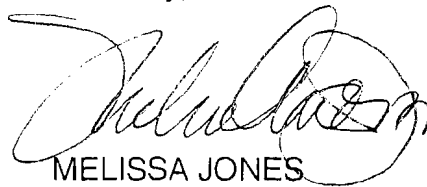
Please note that any subsequent submittals related to this application can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if KRCD files a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Persons may petition to inspect or copy the 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.

In addition, an appeal of this confidentiality determination must be filed within fourteen days from the date of this decision. The procedures and criteria for appealing any part of this decision are set forth in the California Code of Regulations, title 20, section 2505.

If you have any questions concerning this matter, please contact Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Jones', written over a circular stamp or seal.

MELISSA JONES
Executive Director

cc: Docket Unit
Energy Commission Project Manager