

APPLICATION FOR CONFIDENTIAL DESIGNATION

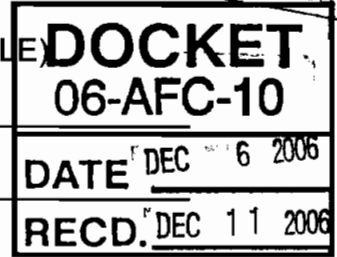
(Title 20 Cal. Code. Regs., § 2505 et seq.)

COMPLETED



TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO. (IF APPLICABLE)



APPLICANT: Starwood Power-Midway, LLC

ADDRESS: 591 West Putnam Avenue, Greenwich, CT, 06830

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

Starwood Power-Midway, LLC Peaking Project Application for Certification Paleontological Resources Section. October 26, 2006. Paleontological Resources details and locations in and around the project area. 53 Pages.

- 1(b). Specify the part(s) of the information or data for which for which you request confidential designation.

Paleontological Resources Impact Assessment (Appendix K of Starwood-Midway 06-AFC-10) including maps, site records and correspondence included with these documents be designated as confidential.

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

The information should be kept confidential indefinitely to protect paleontological resources site locations identified in the report. If the descriptions of the location of the sites are released to the public domain, there is an unacceptable risk of looting.

- 3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

The site descriptions are essentially equivalent to the information maintained by the State Historical Resources Commission, which are exempted from disclosure by sections 6254.10 and 6254(r) of the Public Records Act, respectively [Cal. Govt. Code Sections 6254.10, 6254(r)].

- 3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest would be served by nondisclosure by preventing the unauthorized looting of the paleontological resources sites described in the report specified in response 1, above. Such looting would preclude scientific study of the worthy site to gain historical data about human use of the area.

4. State whether the information or data can 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.

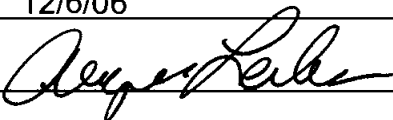
The site location descriptions cannot be masked because masking will still reveal the location of the site that is the essence of the record that requires confidential treatment.

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

The Paleontological Resources Impact Assessment has not been disclosed by the applicant to anyone other than the applicant's employees or agents and the Commission Staff. Applicant cannot certify, however that report prepared under the direction of others, e.g. URS Corporation (Appendix K of the Starwood-Midway 06-AFC-10) has not been revealed to others.

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: 12/6/06

Signed: 

Name (print or type): Angela Leiba

Title: (print or type) Project Manager

Representing: URS Corporation

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.