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CALIFORNIA ENERGY COMMISSION

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DOCKET OFFICE

March 28, 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)  
Revised Supplemental Response to CEC Data Requests Set Two: No. A151

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.

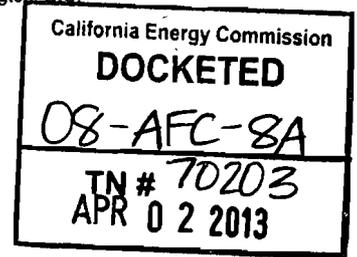
Pursuant to California Energy Commission ("CEC") Staff Data Request A151 regarding Cultural Resources, Applicant hereby files Figures A151-2 (Revised) (Quaternary Landforms and Geoarchaeological Trench Locations) and A151-3 (Landform Age Based on Soil Series – Radiocarbon Data Associations) under confidential cover to support its revised supplemental response to Data Request A151 ("Confidential Record"). On February 1, 2013, Applicant previously requested confidentiality for substantially similar information related to Data Requests A151 and A152 pursuant to California Government Code § 6254(r), which the CEC approved on March 13, 2013 (Docket No. 69912).

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 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 identified as confidential.

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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