

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

October 26, 2007

Mr. Stephen Thome
Orange Grove Energy, L. P.
1900 East Golf Road, Suite 1030
Schaumburg, IL 60173

DOCKET	
07-SPPE-2	
DATE	OCT 26 2007
RECD.	OCT 26 2007

**RE: Cultural Resources, Confidentiality Application,
Orange Grove Project, Docket No. 07-SPPE-2**

Dear Mr. Thome:

On October 12, 2007, the Orange Grove Project (Orange Grove) filed an application for confidentiality with the California Energy Commission. The confidentiality application seeks confidentiality for the "Records Search Report, JPower Pala," consisting of 308 pages (hereinafter "Report"). Orange Grove's application states, in part:

The above referenced figures, pages and appendix [of the Report] should be kept confidential in perpetuity. If the descriptions of the locations of the sites are released to the public domain, there is risk of looting. . . . It is thus protected under Government Code Section 6254 (r).

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 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 the cultural and archaeological resource information that Orange Grove has submitted is expressly in the public interest. Therefore, Orange Grove's confidentiality application is granted in its entirety, and the information will be kept confidential for an indefinite period.

Any subsequent submittals related to cultural and/or archaeological 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 similar to that which is granted confidential status by this determination.

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

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

B. B. BLEVINS
Executive Director

cc: Docket Unit
Energy Commission Project Manager