

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

January 31, 2008

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

DOCKET	
07-SPPE-2	
DATE	JAN 31 2008
RECD.	JAN 31 2008

RE: **Cultural Resources Application for Confidentiality,
Orange Grove Project,
Docket No. 07-SPPE-02**

Dear Mr. Thome:

On January 9, 2007, the Orange Grove Project (Orange Grove) filed an application for confidentiality (Docket No. 07-SPPE-02). The application seeks confidentiality for certain cultural resource information. Orange Grove asserts:

Exhibit 129-1, consisting of an exhibit title sheet and one-page map "Butterfield State Route" dated December 2007; Exhibit 129-2, consisting of an exhibit title sheet and one-page map "Historic Roads and Trails: 1769-1885" dated 1955; and Exhibit 135-1 consisting of an exhibit title sheet and 37-page report "Cultural Resources Survey of the Proposed Pala Substation Property San Diego County, California" dated December 1992. . . . The above referenced materials should be kept confidential in perpetuity. If the descriptions of the locations of the cultural resources identified in these materials are released to the public domain, there is a risk of looting.

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 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 cultural resources, such as the information that has been submitted with this application, is expressly in the public interest.

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The information contained in the Confidential Report meets the requirements of confidentiality and is granted confidentiality in its entirety. Consequently, this information will be kept confidential for an indefinite period.

Please Note: Any subsequent submittals related to cultural 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 Orange Grove 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.

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 in a cursive style.

MELISSA JONES
Executive Director

cc: Docket Unit
Energy Commission Project Manager