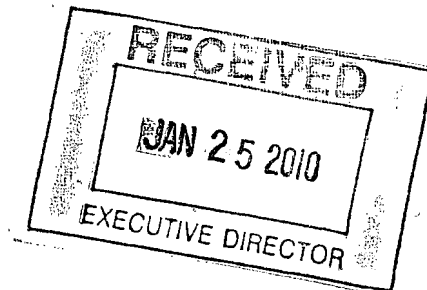


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<b>DOCKET</b> 09-AFC-9
DATE JAN 25 2010
RECD. JAN 25 2010

COMPLETED



January 25, 2010

Melissa Jones  
Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

Subject: **Request for Confidential Designation Draft Geoarchaeological  
Monitoring Results for the Ridgecrest Solar Power Project  
Docket No. (09-AFC-9)**

Enclosed for confidential filing with the California Energy Commission are one (1) original and five (5) copies of the **Request for Confidential Designation Draft Geoarchaeological Monitoring Results**, for the Ridgecrest Solar Power Project Docket No. (09-AFC-9)

Sincerely,

A handwritten signature in cursive script that reads "Marie Mills".

Marie Mills

January 25, 2010

Ms. Melissa Jones  
Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Subject: Request for Confidential Designation  
Draft Geoarchaeological Monitoring Results for the  
Ridgecrest Solar Power Project (09-AFC-9)

Dear Ms. Jones,

Solar Millennium LLC, as an owner of the Ridgecrest Solar Power Project (RSPP) requests that the attached information be designated confidential pursuant to 20 CCR Section 2505. This information is being supplied to the California Energy Commission (CEC) as Draft Geoarchaeological Monitoring Results for the Ridgecrest Solar Power Project (09-AFC-9).

In support of its application for confidentiality designation, Solar Millennium LLC, provides the following information:

APPLICANT: Solar Millennium LLC  
ADDRESS: 1625 Shattuck Avenue, Suite 270  
Berkeley, CA 94709-1161

1(a). *Title, date and description (including number of pages) of the record for which you request confidential designation.*

Draft Geoarchaeological Monitoring Results. One original of the Draft Geoarchaeological Monitoring Results is being submitted along with five additional copies. We request that these documents in their entirety are granted confidential designation.

1(b). *Specify the part(s) of the record for which you request confidential designation.*

The reports identified above in 1(a), in their entirety:

- Draft Geoarchaeological Monitoring Results.

2. *State and justify the length of time the Commission should keep the record confidential.*

Draft Geoarchaeological Monitoring Results for the Ridgecrest Solar Power Project should be kept confidential indefinitely to protect potential cultural and archeological resources sites. The information being submitted contains copies of geoarchaeological monitoring results which were taken during geotechnical investigations. Additionally, this submittal contains mapping of class III cultural resources survey results of those archaeological sites and isolates. If the information and descriptions of the locations of the sites are released to the public domain, there is a potential for looting of those site.

3(a). *State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.*

Draft Geoarchaeological Monitoring Results specifically identifies areas of potential cultural and archaeological significance. It is thus protected under Government Code Sections 6254(e) and 6254(k). Protection provided is also analogous to that given to Native American sacred places under Section 6254(r) of the Government Code.

3(b). *Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also 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 will be served by nondisclosure by preventing looting of the cultural and archaeological resource sites described in Draft Geoarchaeological Monitoring Results for the Ridgecrest Solar Power Project. Such looting would preclude scientific study of the sites to gain data about the cultural and archeological resources of the area.

4. *State whether the record may 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.*

Solar Millennium LLC, believes the CEC staff will require the specific information contained in Draft Geoarchaeological Monitoring Results to properly perform its analysis. Aggregation of information would hinder a complete CEC analysis. However, Solar Millennium LLC, believes the CEC can incorporate a generalized summary of information contained in the Draft Geoarchaeological Monitoring Results for the Ridgecrest Solar Power Project to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

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

Solar Millennium LLC, has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the RSPP. Moreover, this information will not be disclosed to any other persons employed by or working for Solar Millennium LLC except on a "need to know" basis. Solar Millennium LLC, is marking this information "Confidential" and is instituting a policy that segregates this information from other PSPP files and that access to it be restricted to a designated confidential information manager or managers within Solar Millennium LLC or its attorneys/consultants.

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 I, attorney with the Law Firm of GalatiBlek, LLP, am authorized to make the application and certification on behalf of the applicant.



David Wiseman  
Counsel for Solar Millennium LLC