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COMPLETED

October 14, 2011

DOCKET 11-AFC-4
DATE OCT 14 2011
RECD. OCT 14 2011

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OCT 14 2011
EXECUTIVE DIRECTOR

Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Rio Mesa Solar I, LLC, Rio Mesa Solar II, LLC and Rio Mesa Solar III, LLC ("Applicant")
Application for Confidential Designation of Cultural and Paleontological information
submitted pursuant to California Energy Commission's regulations concerning Applications
for Certification of Rio Mesa Solar Electric Generating Facility [11-AFC-04]

Dear Mr. Oglesby:

Pursuant to Title 20 California Code of Regulations (CCR) Sections 2501 *et seq.*, the Applicant hereby submits this "Application for Confidential Designation" for the Cultural Resources Technical Report and Paleontological Technical Report (Technical Reports) prepared for the Rio Mesa Solar Electric Generating Facility Application for Certification (AFC).

The Technical Reports were prepared prior to finalization of the AFC for the Rio Mesa Solar Electric Generating Facility. The Applicant therefore requests that the Technical Reports be reviewed in conjunction with the relevant AFC Sections and the relevant AFC sections be considered controlling.

We are submitting the Application and confidential material directly to you without docketing at the Docket Unit. Per your direction, due to the large number of pages, we are providing one copy of Volume I of the Cultural Resources Technical Report and three CDs with the entire Cultural Resources Technical Report. We are also providing two copies of CDs containing the Paleontological Technical Report. Please feel free to contact us at (916) 447-2166 should you have any questions or require additional information. Thank you for your consideration of the Applicant's request.

Sincerely,



Brian S. Biering
Christopher T. Ellison
Ellison, Schneider & Harris

Attorneys for the Applicant

APPLICATION FOR CONFIDENTIAL DESIGNATION
Rio Mesa Solar Electric Generating Facility – [11-AFC-04]
Rio Mesa Solar I, LLC and Rio Mesa Solar II, LLC, and Rio Mesa Solar III, LLC
(the “Applicant”)

Cultural Resources

1. *Specifically indicate those parts of the record which should be kept confidential.*

Cultural Resources Technical Report

Appendix E: Confidential Figures

Appendix F: Record Search Results – Previously Conducted Investigations

Appendix G: Newly Recorded and Updated Cultural Resources

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

This information should be held confidential indefinitely in order to protect the paleontological resources identified therein.

3. *Cite and discuss (i) the provisions of the Public Records Act or other law which allow the commission to keep the record confidential and (ii) the public interest in nondisclosure of the record.*

The Commission’s regulations require that this information be submitted under a request for confidential designation. (See Calif. Code of Regulations, Title 20, Chapter 5, Appendix B, Section (g)(2)(C)). The information is also exempt from disclosure under the Public Records Act, pursuant to Government Code §§6254(r) and 6254.10. The public interest in nondisclosure is that disclosure may enable location of these resources by thieves, vandals, or persons conducting unauthorized collection of materials.

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant considered whether it would be possible to aggregate or mask the information. However, no feasible method of aggregating or masking the information could be identified that would not either disclose the information or render the information provided useless.

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

Applicant has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the Rio Mesa Solar Electric Generating Facility. Moreover, this information has not been disclosed to persons employed by or working for Applicant except on a "need-to-know" basis. It is my understanding that the Applicant is marking this information as "confidential," instituting a policy that it be segregated from other Rio Mesa Solar Electric Generating Facility files, and requiring that access to it be restricted to a designated confidential information manager within Applicant or its attorneys, consultants, and agents.

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 belief. I am authorized to make the Application and Certification on behalf of Applicant.

Dated: October 14, 2011

ELLISON, SCHNEIDER & HARRIS LLP

By: Brian Biering
Brian S. Biering
Ellison, Schneider & Harris L.L.P.
Attorneys for Applicant