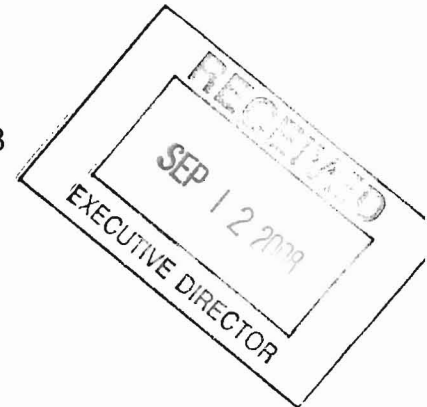


DOCKET 08-AFC-10	
DATE	SEP 11 2008
RECD.	SEP 12 2008

September 11, 2008



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

COMPLETED

**Subject: Request for Confidential Designation
AFC Appendix 5.3(c) and Appendix 5.3(e)
Cultural Resource Information
Lodi Energy Center (08-AFC-10)**

Dear Ms. Jones,

Northern California Power Agency (NCPA) is the owner of the Lodi Energy Center (LEC). NCPA 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 Confidential Appendix 5.3E Previously Conducted Surveys, and Appendix 5.3C California Historical Resources Information System (CHRIS) Report.

In support of its application for confidential designation, NCPA provides the following information:

APPLICANT: NCPA Northern California Power Agency
ADDRESS: 651 Commerce Drive
Roseville, CA 95678

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

Appendix 5.3E Previously Conducted Surveys (Previously Conducted Surveys), and Appendix 5.3C CHRIS Reports (CHRIS Reports)

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

Previously Conducted Surveys and CHRIS Reports

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

Previously Conducted Surveys and CHRIS Reports should be kept confidential indefinitely to protect potential cultural resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting.

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.*

Previously Conducted Surveys and CHRIS Reports specifically identify areas of potential cultural, archaeological and historical significance. It is thus protected under Government Code Sections 6254(e) and 6254(k). Protection provided is 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 resources sites described in Previously Conducted Surveys, and CHRIS Reports. Such looting would preclude scientific study of the sites to gain data about the cultural resources 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.*

NCPA believes the CEC staff will require the specific information contained in Previously Conducted Surveys, and CHRIS Reports to properly perform its analysis. Aggregation of information would hinder a

complete CEC analysis. However, NCPA believes the CEC can incorporate a generalized summary of information contained in the Previously Conducted Surveys, and CHRIS Reports 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.*

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