

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

November 24, 2008

Sophia Rowlands
Downey Brand
555 Capitol Mall, 10th Floor
Sacramento CA 95814

DOCKET
08-AFC-2
DATE NOV 24 2008
RECD NOV 24 2008

RE: **Cultural / Archaeological Records: Application for Confidentiality,
Beacon Solar Energy Project,
Docket No. 08-AFC-2**

Dear Ms. Rowlands:

On November 23, 2008, Beacon Solar Energy Project (Beacon) filed an application for confidentiality to the above-captioned docket. Beacon seeks confidentiality for documents containing sensitive cultural resource information, which contain the location and content of archaeological sites. Specifically, Beacon requests confidential designation for the "Evaluation of Cultural Resources for Beacon Solar Energy Project, Kern County, California: Attachments 3, 4, and 5" ("Attachments").

Beacon's application for confidentiality states, in part:

These Attachments identify confidential cultural resources information, such as the location and content of archaeological and cultural sites. . . . Publication of location and specific descriptions of these assets at best invites the curious, who may unwittingly disrupt or destroy the assets, and at worst encourages destruction or theft from these sites.

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 the archaeological and cultural resources, such as the information that you have submitted, is expressly in the public interest, to be kept confidential pursuant to the Archaeological Resources Protection Act. Therefore, Beacon's application will be granted confidentiality in its entirety, and the Attachments will be kept confidential for an indefinite period.

Ms. Sophia Rowlands

November 24, 2008

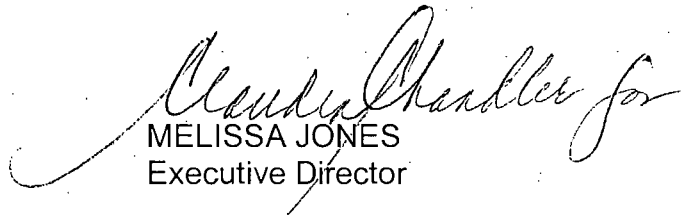
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Please note that any subsequent submittals related to this application can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if Beacon 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 Deborah R. Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,


MELISSA JONES
Executive Director

cc: Docket Unit
Energy Commission Project Manager