

**CALIFORNIA ENERGY COMMISSION**1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

July 11, 2008

<b>DOCKET</b>	
08-AFC-4	
DATE	JUL 11 2008
RECD.	JUL 16 2008

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

**RE: Cultural Resources: Application for Confidentiality,  
Orange Grove Energy Project,  
Docket No. 08-AFC-4**

Dear Mr. Thome:

On June 30, 2008, the Orange Grove Energy Project, L.P. (Orange Grove) filed an application for confidentiality in the above-captioned docket. Orange Grove seeks confidentiality for Appendix 6.7-B, Appendix 6.7-C, and Appendix 6.7-D of the Application for Certification, Docket No. 08-AFC-4.

Orange Grove's application for confidentiality states, in part:

The above referenced figures, pages and appendix should be kept confidential in perpetuity. If the descriptions of the locations of the sites are released to the public domain, there is risk of looting or other acts of vandalism to the cultural resources identified.

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 (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 Act. Therefore, Orange Grove's application will be granted confidentiality in its entirety, and it will be kept confidential for an indefinite period.

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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 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', with a large, stylized flourish extending to the right.

MELISSA JONES  
Executive Director

cc: Docket Unit  
Energy Commission Project Manager