



September 29, 2008

<b>DOCKET</b> 08-AFC-5
DATE <u>SEP 29 2008</u>
RECD. <u>SEP 29 2008</u>



Mr. Christopher Meyer, Project Manager  
Systems Assessment & Facilities Siting Division  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

**COMPLETED**

**Re: Solar Two L.L.C. – Class III Confidential Cultural Resources Technical Report**

Dear Mr. Meyer:

On behalf of URS Corporation, I declare that this Class III Confidential Cultural Resources Technical Report to be docketed with the California Energy Commission on September 29, 2008 includes a complete inventory of archaeological sites in the project area, completed DPR forms for each cultural resources listed in the report, and conforms to the Archaeological Resource Management Report format (CA Office of Historic Preservation Feb 1990).

If you have any questions or comments regarding this recommendation, please contact me at (303) 796-4617 or Kevin Harper at (602) 625-4444.

Sincerely,  
**URS CORPORATION**

Robert J. Mutaw, Ph.D.  
Cultural Resources Team Leader

APPLICATION FOR CONFIDENTIAL DESIGNATION  
(20 CCR 2505)

SES SOLAR TWO, LLC  
APPLICATION FOR CERTIFICATION  
SOLAR TWO PROJECT  
(DOCKET NO. 08-AFC-5)



CULTURAL RESOURCES TECHNICAL REPORT, September 2008

APPLICANT: SES Solar Two, LLC

ADDRESS: 2920 E. Camelback Road, Suite 150, Phoenix, AZ 85016

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

Class III Cultural Resources Technical Report, (Appendix Z of 08-AFC-5) including Scientific Literature Review and Site Records/Specimen Survey, SES Solar Two, LLC, 2920 E. Camelback Road, Suite 150, Phoenix, AZ 85016, June 2008.

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

Applicant requests that the Class III Cultural Resources Technical Report (Appendix Z of 08-AFC-5) including maps, site records, and correspondence included with these documents be designated as confidential.

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

The information should be kept confidential indefinitely to protect cultural resources site locations identified in the report. If the descriptions of the location of the sites are released to the public domain, there is an unacceptable risk of looting.

- 3(a) State the provision(s) 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.

The site descriptions are essentially equivalent to the information maintained by the State Historical Resources Commission, which are exempted from disclosure by sections 6254.10 and 6254(r) of the Public Records Act, respectively [Cal. Govt. Code Sections 6254.10, 6254(r)].

- 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 of difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest would be served by nondisclosure by preventing the unauthorized looting of the paleontological resources sites described in the report specified in Response 1, above. Such looting would preclude scientific study of the worthy site to gain historical data about human use 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.

The site location descriptions cannot be masked because masking will still reveal the location of the site that is the essence of the record that requires confidential treatment.

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

The Class III Cultural Resources Technical Report has not been disclosed by the applicant to anyone other than the applicant's employees or agents and the Commission Staff. Applicant cannot certify, however that report prepared under the direction of others, e.g. URS Corporation (Appendix Z of 08-AFC-5) has not been revealed to others.

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 that I am authorized to make the application and certification on behalf of the applicant.

Dated: September 26, 2008

Signed: 

Name (print): Angela Leiba

Title: Project Manager

Representing: URS Corporation