

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

May 3, 2010

<b>DOCKET</b>	
<b>08-AFC-5</b>	
DATE	MAY 03 2010
RECD.	MAY 03 2010



Loulena Miles  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080-7037

**RE: Petition for Inspection and Copying of Records  
Imperial Valley Solar Project  
Docket No. 08-AFC-5**

Dear Ms. Miles:

On March 10, 2010, on behalf of California Unions for Reliable Energy ("CURE"), you filed a petition for inspection and copying of certain confidential records filed in the Imperial Valley Solar Project, Docket Number 08-AFC-5. CURE, a party to the California Energy Commission ("Energy Commission") proceeding in the matter, requested inspection and copying of the following documents:

1. Cultural Resources Technical Report, dated 1/8/2010 from A. Leiba to C. Meyer, Docket: 54859.
2. Cultural Resources Site Location and Cultural Content Groundtruth task: Levels 1 and 2 Evaluations and Recommendations, dated 6/4/2009, from M. Zentner to C. Meyer. Docket 51882.

The Energy Commission has designated the above documents as confidential pursuant to Energy Commission regulations (California Code of Regulations, title 20, section 2505(a)(3)(A)), upon applications for confidentiality submitted on behalf of Imperial Valley Solar, LLC (formerly SES Solar Two). The Energy Commission determined that the records were confidential under the California Public Records Act (Gov. Code, § 6254(k)), and the Archaeological Resources Protection Act (16 U.S.C. § 470hh). Non-disclosure of archaeological and cultural resources is expressly in the public interest, and the Energy Commission designated the records confidential for an indefinite period.

On April 15, 2010, the Chief Counsel issued a determination that, pursuant to CURE's status as an intervenor, and pursuant to the nondisclosure agreements executed by CURE, yourself, and CURE's cultural resources preservation expert, Ms. Claudia Nissley, the records designated above would be released to CURE.

The fourteen day appeal period outlined in California Code of Regulations, Title 20, section 2506(b)(6), expired at close of business April 29, 2010. Having received no request that the full Energy Commission reconsider the Chief Counsel's decision, the records are now disclosed to you on the enclosed compact disc. By disclosing the records according to the above terms, the Energy Commission has determined that the

Ms. Loulena Miles  
May 3, 2010  
Page 2

records remain confidential records, and must not be disclosed to any other person or party, under the terms of the nondisclosure agreements executed by CURE.

If you have any questions concerning this matter, please contact me at (916) 654-3870.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah R. Dyer". The signature is fluid and cursive, with a large initial "D" and "R".

DEBORAH R. DYER  
Senior Staff Counsel

cc: Docket Unit  
Christopher Meyer, Energy Commission Project Manager  
Caryn Holmes, Energy Commission Project Counsel  
Allan Thompson, Counsel for Imperial Valley Solar Project  
Raoul Renaud, Hearing Officer  
Erica Niebauer, Department of Interior Solicitor