



COMPLETED

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August 6, 2008

**VIA HAND DELIVERY**

Ms. Melissa Jones  
Executive Director  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814

Re: 08-AFC-07: GFW Tracy Combined Cycle Power Plant Application for Certification  
Application for Confidential Designation - Paleontological Resources Report

Dear Ms. Jones:

GWF Energy, LLC (GWF or "Applicant") is the owner of the proposed GWF Tracy Combined Cycle Power Plant in an unincorporated portion of San Joaquin County immediately southwest of Tracy, California (GWF Tracy or the "Project"). In support of the Application for Certification (AFC) for the Project, Applicant's consultant prepared a document entitled *Confidential TPP Paleontological Resource Assessment* (the "Paleontological Report"), which is enclosed. Applicant requests that the Paleontological Report be designated confidential pursuant to 20 CCR Section 2505.

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

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

*Confidential TPP Paleontological Resource Assessment, dated August 2001. Pages: 23.*

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

Applicant requests confidential designation for the entire Paleontological Report.

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

The Paleontological Report should be kept confidential indefinitely to protect potential paleontological 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.*

The Paleontological Report specifically identifies site locations and areas of potential paleontological 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 cost 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 paleontological resource sites described in the Paleontological Report. Such looting would preclude scientific study of the sites to obtain data about the paleontological resource areas.

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.*

Applicant believes the California Energy Commission staff can incorporate a generalized summary of the information contained in the Paleontological Report 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.*

GWF has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, and consultants working on the AFC for the Project. Moreover, this information has not been disclosed to persons employed by or working for GWF except on a "need-to-know" basis. GWF has marked this information "confidential" and has instituted a policy that it be segregated from other Project files.

Ms. Melissa Jones  
August 6, 2008  
Page 3

I have been authorized to make this application and certification on behalf of GWF. With my signature to this letter, 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.

Sincerely,

CH2M HILL



Jerry Salamy  
Senior Project Manager