

LATHAM & WATKINS LLP

COMPLETED

August 20, 2009



650 Town Center Drive, 20th Floor  
Costa Mesa, California 92626-1925  
Tel: +1.714.540.1235 Fax: +1.714.755.8290  
www.lw.com

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File No. 039610-0003

**DOCKET**

**08-AFC-9**

DATE	AUG 20 2009
RECD	AUG 24 2009

VIA FEDEX

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 08-AFC-9  
1516 Ninth Street, MS-4  
Sacramento, California 95814-5512

Re: City of Palmdale Hybrid Power Plant Project: Docket No. 08-AFC-9  
Confidential Submittal

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, Sections 1209, 1209.5, 1210, and 2505, enclosed herewith for filing please find a letter from Mike Carroll to Melissa Jones regarding the confidential submittal of Applicant's Revised Biological Mitigation Map. Per CEC protocols, five (5) copies of this letter and the confidential submittal are also enclosed.

Please note that the enclosed application letter (without the revised confidential mitigation map) was filed today via electronic mail to your attention and to all parties on the attached electronic proof of service list.

Very truly yours,

Paul E. Kihm  
Senior Paralegal

Enclosure

cc: 08-AFC-9 Proof of Service List (w/encl. via e-mail and U.S. Mail)(w/o confidential submittal)  
Michael J. Carroll, Esq. (w/ encl.)

# LATHAM & WATKINS<sup>LLP</sup>

August 20, 2009

**VIA FEDEX**

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

Re: Palmdale Hybrid Power Plant Project—CEC Docket No. 08-AFC-9  
(Application for Certification) (“AFC”)  
Application for Confidential Designation—Revised Biological Resources  
Mitigation Map

Dear Ms. Jones:

On behalf of the City of Palmdale (“City”), the applicant for the above-referenced Palmdale Hybrid Power Project (“PHPP”), and in response to a request from the California Department of Fish and Game, I am providing a revised map depicting potential compensation mitigation lands along with the locations of actual Mohave ground squirrel sitings since 1990 (“Mitigation Map”). The Mitigation Map is confidential because it includes information regarding the location of potential biological mitigation areas. The Mitigation Map is related to previously submitted materials associated with Applicant’s supplemental responses to Data Request CC-BI, which along with other responses to the requests raised at the Committee Conference, was mailed on July 22, 2009.

The City requests that the enclosed Mitigation Map be designated confidential pursuant to 20 Cal. Code Regs. section 2505 (regarding the designation of confidential records). The City requests that the entirety of the enclosed Mitigation Map be kept confidential indefinitely in order to ensure protection of potentially sensitive resources and for financial reasons, as disclosure of the desirability of these areas could affect land acquisition prices. The City requests that the Mitigation Map not be disclosed even if aggregated with other information or redacted to conceal certain information.

The City has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, and consultants working on the AFC for the PHPP. Moreover, this information has not been disclosed to persons employed by or working for the City except on a

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“need-to-know” basis. The City has marked this information “confidential” and has instituted a policy that it be segregated from other PHPP files.

I have been authorized to make this application and certification on behalf of the City. 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.

Very truly yours,



Michael J. Carroll  
of LATHAM & WATKINS LLP

Enclosure

cc: Steve Williams, City Manager, City of Palmdale  
Tom Barnett, Inland Energy, Inc.  
Sara Head, AECOM Environment