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**Watson Cogeneration Company**

22850 So. Wilmington Avenue  
Carson, California 90749-6203

**Thomas A. Lu**  
Executive Director

March 19, 2009

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

<b>DOCKET</b> 09-AFC-1	
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EXECUTIVE DIRECTOR	

**Subject: Watson Cogeneration Company Application for Certification  
Application for Confidential Designation – Cultural Resources Technical Report**

Dear Ms. Jones:

Watson Cogeneration Company (Applicant) is proposing an expansion of a steam and electrical generating (cogeneration) facility that is located in the City of Carson in Southern California. The Project is called the Watson Cogeneration Steam and Electric Reliability Project (Project). In support of the Application for Certification (AFC) for the Project, Applicant's consultant, URS Corporation, prepared a cultural resources assessment report entitled *Confidential Cultural Resources Technical Report for the Watson Cogeneration Steam and Electric Reliability Project, Carson, Los Angeles County, California* (the "Technical Report"), which is enclosed. Applicant requests that the Technical 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 information or data for which you request confidential designation.*

*Confidential Cultural Resources Technical Report for the Watson Cogeneration Steam and Electric Reliability Project, Carson, Los Angeles County, California, 27 February 2009, prepared by URS Corporation. Total number of pages is 2,302.*

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

Applicant requests confidential designation for the entire Technical Report.

2 *State and justify the length of time the Energy Commission should keep the information or data confidential.*

The Technical Report should be kept confidential indefinitely to protect potential cultural resources sites. If the descriptions of the location of the sites are released to the public domain, there is a risk of looting.

3(a) *State the provision(s) of the Public Records Act (Gov. Code, Section 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.*

The Technical Report specifically identifies site locations and areas of potential cultural significance. It is thus protected under Government Code Section 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 material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or 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 cultural resource sites described in the Technical Report. Such looting would preclude scientific study of the sites to obtain data about the cultural resource areas.

4 *State whether the information or data can 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 Technical Report to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

5 *State how the material 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.*

Watson Cogeneration Company 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, and the property owner. Moreover, this information has not been disclosed to persons employed by or working for Watson except on a "need-to-know" basis. Watson has marked this information "confidential" and has instituted a policy that it be segregated from other Project files.

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: March 19, 2009

Signed: 

Name: Thomas A. Lu, Executive Director

Representing: Watson Cogeneration Company

Enclosure