

DOCKET

09-AFC-10

DATE	OCT 22 2009
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October 22, 2009

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

Subject: RICE SOLAR ENERGY PROJECT (09-AFC-10)
Request for Confidential Designation
Appendix 5.3B Cultural Resources Inventory Report, with Appendixes;
Appendix 5.3C Cultural Resources Literature Search Results (CHRIS);
and
Appendix 5.3E Cultural Resources Maps (previously recorded sites)

Dear Ms. Jones,

Rice Solar Energy, LLC, (RSE, LLC) is the owner of the Rice Solar Energy Project (RSEP). RSE, LLC, requests that the attached information be designated confidential pursuant to 20 CCR Section 2505. This information is being supplied to the California Energy Commission (CEC) as:

- 1) Confidential Appendix 5.3B Cultural Resources Inventory Report, with Confidential Appendixes to 5.3B (separately bound);
- 2) Confidential Appendix 5.3C Cultural Resources Literature Search Results (CHRIS); and
- 3) Confidential Appendix 5.3E Cultural Resources Maps (previously recorded sites)

Please note that five copies of each document are submitted herewith. However, due to the voluminous nature of Appendix 5.3C, we are enclosing only one hard bound copy with four abbreviated versions and one CD having all confidential submissions included.

In support of its application for confidentiality designation, RSE, LLC, provides the following information:

APPLICANT: Rice Solar Energy, LLC
ADDRESS: 2425 Olympic Blvd, Suite 500 East
Santa Monica, CA 90404

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

- 1) Confidential Appendix 5.3B Cultural Resources Inventory Report, with Confidential Appendixes to 5.3B;
- 2) Confidential Appendix 5.3C Cultural Resources Literature Search Results (CHRIS); and
- 3) Confidential Appendix 5.3E Cultural Resources Maps (previously recorded sites)

These documents in their entirety are requested for confidential designation.

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

The documents/reports identified above in 1(a), in their entirety:

- 1) Confidential Appendix 5.3B Cultural Resources Inventory Report, with Confidential Appendixes to 5.3B;
- 2) Confidential Appendix 5.3C Cultural Resources Literature Search Results (CHRIS); and
- 3) Confidential Appendix 5.3E Cultural Resources Maps (previously recorded sites)

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

The Cultural Resources Inventory Report with Appendixes, Cultural Resources Literature Search Results (CHRIS); and Cultural Resources Maps (previously recorded sites) should be kept confidential indefinitely to protect the potential cultural resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a potential for looting of that site.

- 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 Cultural Resources Inventory Report with Appendixes, Cultural Resources Literature Search Results (CHRIS); and Cultural Resources Maps (previously recorded sites) specifically identify areas of potential cultural, archaeological and historical 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 ease or difficulty with which the information could be legitimately acquired or duplicated by others.*

The public interest will be served by nondisclosure to preventing looting of the cultural resources sites described in the Cultural Resources Inventory Report with Appendixes, Cultural Resources Literature Search Results (CHRIS); and Cultural Resources Maps (previously recorded sites). Such looting would preclude scientific study of the sites to gain data about the cultural resources 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.*

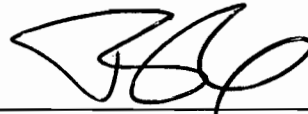
RSE, LLC, believes the CEC staff will require the specific information contained in the Cultural Resources Inventory Report with Appendixes, Cultural Resources Literature Search Results (CHRIS); and Cultural Resources Maps (previously recorded sites) to properly perform its analysis. Aggregation of information would hinder a complete CEC analysis. However, RSE, LLC, believes the CEC can incorporate a generalized summary of information contained in the Cultural Resources Inventory Report with Appendixes, Cultural Resources Literature Search Results (CHRIS); and Cultural Resources Maps (previously recorded sites) 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.*

RSE, LLC, has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the RSEP.

Moreover, this information will not be disclosed to any other persons employed by or working for RSE except on a "need to know" basis. RSE, LLC, is marking this information "Confidential" and is instituting a policy that segregates this information from other RSE files and that access to it be restricted to a designated confidential information manager or managers within RSE, LLC, or its attorneys/consultants.

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 I, attorney with the Law Firm of GalatiBlek, LLP, am authorized to make the application and certification on behalf of the applicant.



Robert Gladden
Counsel for RSE, LLC