

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

July 9, 2009

DOCKET
06-AFC-5C

DATE July 09 2009

RECD. July 09 2009

Maggie Fitzgerald
URS Corporation
2020 East First Street, Suite 400
Santa Ana, CA 92705**RE: Paleontological Resources Application for Confidentiality,
Panoche Energy Center
Docket No. 06-AFC-5C**

Dear Ms. Fitzgerald:

On June 5, 2009, Panoche Energy Center, LLC, filed an application for confidentiality for the Panoche Energy Center (Docket No.06-AFC-5). The application seeks confidentiality for the Paleontological Resources Report (hereinafter referred to as "the Report"). Applicant states that the Report:

. . . If the descriptions of the location of the sites are released to the public domain, there is an unacceptable risk of looting. . . . The public interest would be served by nondisclosure by preventing the unauthorized looting of the paleontological resources sites described in the (Report). . . Such looting would preclude scientific study of the worthy site to gain historical data about human use of the area.

A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [Energy] Commission to keep the record confidential."

The California Public Records Act recognizes the confidentiality principles of federal law. (Gov. Code, sec. 6254(k).) The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of paleontological resources, such as the information that you have submitted in the Report, is expressly in the public interest.

Therefore, Panoche Energy Center's June 5, 2009, confidentiality application for the Paleontological Resources Report is granted in its entirety. The Report will be kept confidential for an indefinite period.

Any subsequent submittals related to paleontological resources can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and

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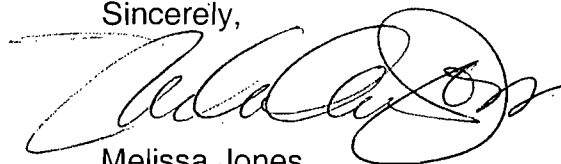
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2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Be advised that persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. If you have any questions concerning this matter, please contact Deborah Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Jones", written in a cursive style.

Melissa Jones
Executive Director

cc: Docket Unit
Energy Commission Project Manager