

**URS**

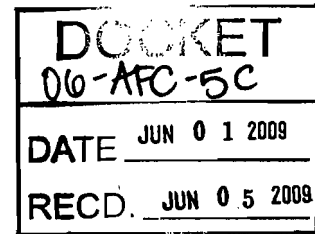
**COMPLETED**

June 1, 2009

Melissa Jones  
Executive Director  
California Energy Commission  
Energy Facilities Siting Division  
1516 Ninth Street, MS 2000  
Sacramento, CA 95814-5504



**RE: Panoche Energy Center (06-AFC-5)  
Application for Confidential Designation  
Paleontological Resources Report**



Dear Ms. Jones:

Pursuant to Title 20 of the California Code of Regulations, URS Corporation on behalf of Panoche Energy Center, LLC hereby submits this "Application for Confidential Designation" pursuant to Section 2505 of Title 20.

The project owner wishes to submit this application for confidential designation for the following report (including maps): Panoche Energy Center Paleontological Resources Report Appendix E, *Map of Fossil Localities*, and Appendix F, *List of Fossil Localities*. Five copies of these appendices are enclosed.

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 belief.

If you have any questions or concerns, please do not hesitate to call me at 714-648-2759 or Amanda Johnson (Project Compliance Manager) at 714-648-2732.

Sincerely,

A handwritten signature in black ink, appearing to read "MAGGIE FITZGERALD".

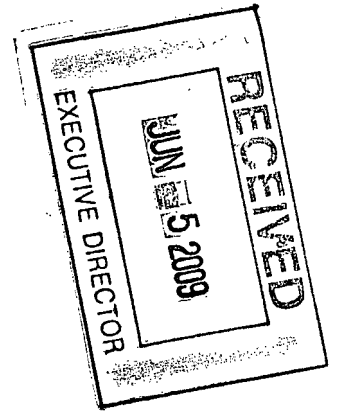
Maggie Fitzgerald  
Project Manager

Enclosures

URS Corporation  
2020 East First Street, Suite 400  
Santa Ana, California 92705  
Tel: 714.835.6886  
Fax: 714.433.7701

APPLICATION FOR CONFIDENTIAL DESIGNATION  
(20 CCR 2505)

PANOCHÉ ENERGY CENTER, LLC  
APPLICATION FOR CERTIFICATION  
PANOCHÉ ENERGY CENTER  
(DOCKET NO. 06-AFC-5)



PALEONTOLOGICAL RESOURCES REPORT

APPLICANT: Panoche Energy Center, LLC

ADDRESS: 438883 W. Panoche Rd, Firebaugh, CA 93622

- 1(a) Title, date, and description of the record for which you request confidential designation.

Paleontological Resources Report (Condition of Certification PAL-7) Appendix E, Map of Fossil Locations, and Appendix F, List of Fossil Localities for Panoche Energy Center, 438883 W. Panoche Rd, Firebaugh, CA 93622. May 29, 2009.

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

Applicant requests that the Paleontological Resources Report Appendix E, Map of Fossil Locations, and Appendix F, List of Fossil Localities for Panoche Energy Center, including maps and site records included with these documents, be designated as confidential.

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

The information should be kept confidential indefinitely to protect paleontological site locations identified in the report. If the descriptions of the location of the sites are released to the public domain, there is an unacceptable risk of looting.

- 3(a) State the provision(s) 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 site descriptions are essentially equivalent to the information maintained by the State Historical Resources Commission, which are exempted from disclosure by sections 6254.10 and 6254(r) of the Public Records Act, respectively [Cal. Govt. Code Sections 6254.10, 6254(r)].

- 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 of 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 paleontological resources sites described in the Paleontological Resources Report appendices specified in response 1, above. Such looting would preclude scientific study of the worthy site to gain historical data about human use of the 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.

The site location descriptions cannot be masked because masking will still reveal the location of the site that is the essence of the record that requires confidential treatment.

- 5 State how the record 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.

The Paleontological Resources Report has not been disclosed by the applicant to anyone other than the applicant's employees or agents and the Commission Staff. Applicant cannot certify, however that report prepared under the direction of others, e.g. URS Corporation and PaleoResource Consultants has not been revealed to others.

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: June 1, 2009

Signed:



Name (print): Maggie Fitzgerald

Title: Project Manager

Representing: URS Corporation