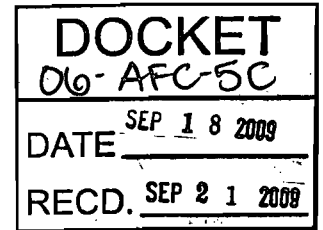


URS

COMPLETED

September 18, 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
Petition to Amend Final Commission Decision Cultural 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 attachments (including maps): Panoche Energy Center Petition to Amend Final Commission Decision Cultural Resources Report Attachment 2, *Records Search Results*, and Attachment 3, *Native American Consultation*. Five copies of these attachments 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: 714.635.6886
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-5C)

CULTURAL 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.

Panoche Energy Center Petition to Amend Final Commission Decision Cultural Resources Report Attachment 2, Records Search Results, and Attachment 3, Native American Consultation, for Panoche Energy Center, 438883 W. Panoche Rd, Firebaugh, CA 93622. September 18, 2009.

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

Applicant requests that Attachment 2, Records Search Results, and Attachment 3, Native American Consultation of the Cultural Resources Report for the Panoche Energy Center Petition to Amend Final Commission Decision, 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 cultural resources identified in the report. If the descriptions of the location of the cultural resources 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 archaeological resources described in the Cultural 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 Cultural 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: September 18, 2009

Signed: 

Name (print): Maggie Fitzgerald

Title: Project Manager

Representing: URS Corporation