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LATHAM & WATKINS LLP

May 8, 2012

VIA FEDERAL EXPRESS

Mr. Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: **Application for Confidential Designation
CPV Sentinel Energy Project Power Plant (07-AFC-03-C)
Cultural Resources**

Dear Mr. Oglesby:

The California Energy Commission ("CEC") approved the CPV Sentinel Energy Project Power Plant (07-AFC-03-C) on December 1, 2010. Condition of Certification CUL-6 of the Final Decision requires CPV Sentinel to submit information to the CEC regarding the Project's cultural resources monitoring for construction activities. In accordance with CUL-6, CPV Sentinel is filing the following confidential report, attached hereto: Department of Parks and Recreation 523 Form, Resource # P-33-019935 ("Submitted Record").

On behalf of CPV Sentinel, we request that the Submitted Record be designated confidential and be permanently maintained as confidential, pursuant to California Government Code § 6254(r). The Submitted Record contains sensitive information related to cultural, archaeological or historical objects, structures, landscapes, resources, sacred places, or sites of concern to local Native Americans or other ethnic groups, or resources or objects described in California Public Resources Code §§ 5097.9 or 5097.993. If the information in the Submitted Record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage sensitive cultural, archaeological, or paleontological resources.

According to the Energy Commission's regulations, an application for confidential designation "shall be granted if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential." (Title 14, California Code of Regulations, § 2505(a)(3)(A).) CPV Sentinel believes this letter

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establishes a reasonable claim for confidentiality based on the applicability of Government Code § 6254(r).

Questionnaire: Application For Confidential Designation

To further support CPV Sentinel's request, we provide responses to the California Energy Commission's questionnaire regarding applications for confidential designation:

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

See attached Submitted Record.

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

CPV Sentinel requests confidential designation for the entire Submitted Record.

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

The Submitted Record should be kept confidential indefinitely to protect potentially sensitive cultural, archaeological, historical or paleontological resources. If the descriptions of the locations of the resources are released to the public domain, there is a risk of looting, vandalism or other degradation.

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 Submitted Record identifies information about potentially sensitive cultural, archaeological, historical or paleontological artifacts, sacred places, or resources and is protected from disclosure 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 cost or difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest will be served by nondisclosure by preventing looting of the cultural, archaeological, historical or paleontological resource sites described in the Submitted Record. Such looting would preclude scientific study of the sites to obtain data about the cultural, archaeological, historical or paleontological resource areas.

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.

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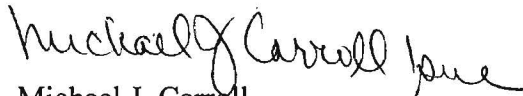
CPV Sentinel believes the California Energy Commission staff can incorporate a generalized summary of the information contained in the Submitted Record, to properly state the basis for its analysis without disclosing information specific enough to facilitate looting, vandalism, and other degradation. CPV Sentinel requests that the Submitted Record not be disclosed even if aggregated with other information or redacted to conceal certain information.

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.*

CPV Sentinel has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, consultants, others working as part of the project application before the Energy Commission, or others with a specific need for the information. This information has not been disclosed by CPV Sentinel except on a "need-to-know" basis.

I have been authorized to make this application and certification on behalf of CPV Sentinel. With my signature to this letter, 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.

Very truly yours,



Michael J. Carroll
of LATHAM & WATKINS LLP

cc: Mark McDaniels, CPV Sentinel
Maggie Fitzgerald, URS Corp.
Amanda Johnson, Sierra Research