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September 14, 2012

California Energy Commission
DOCKETED
09-AFC-2C
TN # 67190
SEP 14 2012

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

Re: Turlock Irrigation District ("Applicant") Application for Confidential Designation of Paleontological information submitted pursuant to Condition of Certification PAL-7 Concerning the Almond 2 Power Plant [09-AFC-2C]

Dear Mr. Oglesby:

Pursuant to Title 20 California Code of Regulations (CCR) Sections 2501 *et seq.*, the Applicant hereby submits this "Application for Confidential Designation" for the Paleontological Resources Report prepared for the Almond 2 Power Plant pursuant to Condition of Certification PAL-7.

We are submitting the Application and confidential material to the docket unit on 5 CDs. Please feel free to contact us at (916) 447-2166 should you have any questions or require additional information. Thank you for your consideration of the Applicant's request.

Sincerely,



Brian S. Biering
Jeffery D. Harris
Ellison, Schneider & Harris

Attorneys for the Applicant

APPLICATION FOR CONFIDENTIAL DESIGNATION
Almond 2 Power Plant – [09-AFC-2C]
Turlock Irrigation District (the “Applicant”)

Paleontological Resources

1. *Specifically indicate those parts of the record which should be kept confidential.*

COC PAL-7, Paleontological Resources Report for the Almond 2 Power Plant

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

This information should be held confidential indefinitely in order to protect the paleontological resources identified therein.

3. *Cite and discuss (i) the provisions of the Public Records Act or other law which allow the commission to keep the record confidential and (ii) the public interest in nondisclosure of the record.*

The Commission’s regulations require that this information be submitted under a request for confidential designation. Calif. Code of Regulations, Title 20, Chapter 5, Appendix B, section (g)(16)(D). The information is exempt from disclosure under the Public Records Act pursuant to Government Code section 6254.10. The public interest in nondisclosure is that disclosure may enable location of these resources by thieves, vandals, or persons conducting unauthorized collection of materials.

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant considered whether it would be possible to aggregate or mask the information. However, no feasible method of aggregating or masking the information could be identified that would not either disclose the information or render the information provided useless.

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

Applicant has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the Almond 2 Power Plant. Moreover,

this information has not been disclosed to persons employed by or working for Applicant except on a "need-to-know" basis. It is my understanding that the Applicant is marking this information as "confidential," instituting a policy that it be segregated from other Almond 2 Power Plant files, and requiring that access to it be restricted to a designated confidential information manager within Applicant or its attorneys, consultants, and agents.

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. I am authorized to make the Application and Certification on behalf of Applicant.

Dated: September 14, 2012

ELLISON, SCHNEIDER & HARRIS LLP

By: 
Brian S. Biering
Jeffery D. Harris
Ellison, Schneider & Harris L.L.P.
Attorneys for Applicant