

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

September 14, 2007

Ms. Lourdes Jimenez-Price
Sacramento Municipal Utility District
Office of the General Counsel
6201 S Street, MS B406
Sacramento, CA 95817-1890

DOCKET 92-AFC-2P	
DATE	SEP 14 2007
RECD.	SEP 14 2007

**RE: Cultural & Paleontological Resources, Confidentiality Application,
SMUD Cogeneration Pipeline Project, Docket No. 92-AFC-2P**

Dear Ms. Jimenez-Price:

On August 24, 2007, the Sacramento Municipal Utility District (SMUD), as part of the above-referenced project, filed a complete application for confidentiality with the California Energy Commission. The confidentiality application seeks a designation of confidentiality for information contained in the "Petition for Insignificant Project Modification, Appendix C - Cultural and Paleontological Resources Inventory for the SMUD Gas Pipeline Relocation Project."

Your application for confidentiality for the following information:

- Appendix A: Cultural Resource Records Search Results.
- Appendix B: Native American Sacred Land Search Results.
- Appendix C: Location of Previously Recorded Paleontological Fossil Locality.

SMUD's application for confidentiality states, in part:

This information should be kept confidential indefinitely in order to comply with the provisions of Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800); California Public Resources Code section 5000, et al.; and Section VI of the Sacramento County General Plan Conservation Element (December 15, 1993) to promote the inventory and protection of cultural resources.

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 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.

Ms. Lourdes Jimenez-Price

September 14 , 2007

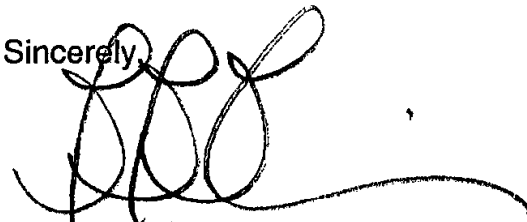
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(16 U.S.C. sec. 470hh.) Non-disclosure of the cultural and paleontological resource information, such as the information that you have submitted, is expressly in the public interest. Therefore, SMUD's August 24, 2007, confidentiality application for cultural and paleontological resources is granted in its entirety. This information will be kept confidential for an indefinite period.

Any subsequent submittals related to cultural and/or 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 2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially similar to that which is granted confidential status by this determination.

Persons may petition to inspect or copy those 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.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

B. B. BLEVINS
Executive Director

cc: Docket Unit
Energy Commission Project Manager