

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

October 26, 2009

Matthew Sanders
Paul Hastings
55 Second Street, 24th Floor
San Francisco, CA 94105**DOCKET**
09-AFC-6DATE OCT 26 2009RECD. OCT 27 2009

RE: **Application for Confidentiality**
Blythe Solar Power Cultural Resources Technical Report
Docket No. 09-AFC-6

Dear Mr. Sanders:

On September 28, 2009, Solar Millennium LLC, filed an application for confidentiality to the above-captioned docket, on behalf of Blythe Solar Power Project (Applicant). The application seeks confidentiality for five Attachments to the Class III Cultural Resources Technical Report, (hereinafter referred to as "the Attachments") submitted as Appendix G to the Application for Certification. Applicant states that the Attachments:

. . . identify sensitive cultural resources information, such as the location and content of cultural sites that may be affected by, and that are within the vicinity of, the Blythe Solar Power Project. . .the Attachments contain information regarding the locations of sensitive archaeological, paleontological, and/or cultural resources that, if disclosed, could lead to the vandalism, destruction, or theft of those 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 [Energy] Commission to keep the record confidential."

The California Public Records Act provides for the nondisclosure of archaeological site information and reports. Gov. Code, sec. 6254.10. The Public Records Act also 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. (16 U.S.C. sec. 470hh.) Non-disclosure of cultural and archaeological resources, such as the information that you have submitted in the Attachments, is expressly in the public interest.

Therefore, Blythe Solar Power Project's September 28, 2009, confidentiality application for the Attachments is granted in its entirety. The Attachments will be kept confidential for an indefinite period.

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Any subsequent submittals related to archaeological 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 the information granted confidentiality by this determination.

Be advised that persons may petition to inspect or copy 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. If you have any questions concerning this matter, please contact Deborah Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,

/S/

Melissa Jones
Executive Director

cc: Docket Unit
Energy Commission Project Manager