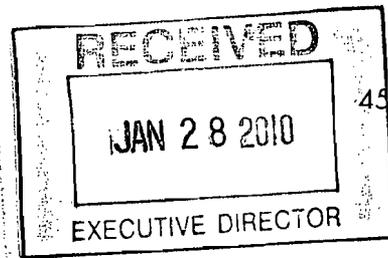


GALATI | BLEK LLP

COMPLETED

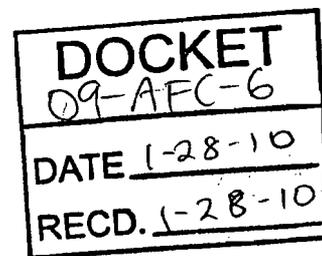


455 Capitol Mall Suite 350
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CONFIDENTIAL

January 28, 2010

Ms. Melissa Jones
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512



Subject: Request for Confidential Designation of the Revised Department of Parks and Recreation Archaeological Site Record Forms for Newly Recorded Sites at the Blythe Solar Power Project, Responses to Data Request 122, 128-133 Docket No. (09-AFC-6)

Enclosed for confidential filing with the California Energy Commission are one (1) original, four (4) copies and one (1) compact disc of the **Revised Department of Parks and Recreation Archaeological Site Record Forms for Newly Recorded Sites at the Blythe Solar Power Project, Responses to Data Request 122, 128-133**, for the Blythe Solar Power Project (09-AFC-6).

Sincerely,

A handwritten signature in cursive script that reads "Marie Mills".

Marie Mills

January 28, 2010

Ms. Melissa Jones
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Subject: Request for Confidential Designation
Revised Department of Parks and Recreation Archaeological Site Record
Forms for Newly Recorded Sites at the Blythe Solar Power Project,
Responses to Data Requests 122, 128-133
Blythe Solar Power Project (09-AFC-6)

Dear Ms. Jones,

Solar Millennium LLC, as an owner of the Blythe Solar Power Project (BSPP) requests that the attached information be designated confidential pursuant to 20 CCR Section 2505. This information is being supplied to the California Energy Commission (CEC) as Revised Department of Parks and Recreation Archaeological Site Record Forms for Newly Recorded Sites at the Blythe Solar Power Project, Responses to Data Requests 122, 128-133.

In support of its application for confidentiality designation, Solar Millennium, LLC, provides the following information:

APPLICANT: Solar Millennium LLC
ADDRESS: 1625 Shattuck Avenue, Suite 270
Berkeley, CA 94709-1161

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

One (1) original, four (4) copies and a compact disc, of Revised Department of Parks and Recreation Archaeological Site Record Forms for Newly Recorded Sites at the Blythe Solar Power Project, Responses to

Data Requests 122, 128-133. We request that this document, in its entirety, is granted confidential designation.

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

The report identified above in 1(a), in its entirety:

- Revised Department of Parks and Recreation Archaeological Site Record Forms for Newly Recorded Sites at the Blythe Solar Power Project, Responses to Data Requests 122, 128-133.

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

Revised Department of Parks and Recreation Archaeological Site Record Forms for Newly Recorded Sites at the Blythe Solar Power Project, Responses to Data Requests 122, 128-133 should be kept confidential indefinitely to protect potential archaeological resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a potential for looting of that site.

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.*

Revised Department of Parks and Recreation Archaeological Site Record Forms for Newly Recorded Sites at the Blythe Solar Power Project, Responses to Data Requests 122, 128-133 specifically identify and describe areas of potential archaeological significance. It is thus protected under Government Code Sections 6254(e) and 6254(k). Protection provided is analogous to that given to Native American sacred places 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 ease 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 archaeological resources sites described in Revised Department of Parks and Recreation Archaeological Site Record Forms for Newly Recorded Sites at the Blythe Solar Power Project, Responses to Data Requests 122, 128-133. Such looting would preclude scientific study of the sites to gain data about the archeological resources 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.*

Solar Millennium LLC, believes the CEC staff will require the specific information contained in Revised Department of Parks and Recreation Archaeological Site Record Forms for Newly Recorded Sites at the Blythe Solar Power Project, Responses to Data Requests 122, 128-133 to properly perform its analysis. Aggregation of information would hinder a complete CEC analysis. However, Solar Millennium LLC, believes the CEC can incorporate a generalized summary of information contained in the Revised Department of Parks and Recreation Archaeological Site Record Forms for Newly Recorded Sites at the Blythe Solar Power Project, Responses to Data Requests 122, 128-133 to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

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.*

Solar Millennium LLC, has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the BSPP. Moreover, this information will not be disclosed to any other persons employed by or working for Solar Millennium LLC except on a "need to know" basis. Solar Millennium LLC, is marking this information "Confidential" and is instituting a policy that segregates this information from other BSPP files and that access to it be restricted to a designated confidential information manager or managers within Solar Millennium LLC or its attorneys/consultants.

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 I, attorney with the Law Firm of GalatiBlek, LLP, am authorized to make the application and certification on behalf of the applicant.



David Wiseman
Counsel for Solar Millennium LLC