

DOCKETED

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500 Capitol Mall, Suite 1800
Sacramento, CA 95814
Telephone: 916-930-2500
Fax: 916-930-2501
www.lockelord.com

John A. McKinsey
Direct Telephone: 916-930-2527
Direct Fax: 916-720-0443
jmckinsey@lockelord.com

March 5, 2014

VIA E-FILING AND HAND-DELIVERY

El Segundo Energy Center Petition to Amend (00-AFC-14)
Robert Oglesby, Executive Director
Christine Stora, Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Re: El Segundo Energy Center Petition to Amend (00-AFC-014)
Confidential Cultural Resources Data to Supplement Response to Data Request 78

Dear Mr. Oglesby and Ms. Stora:

On September 12, 2013, El Segundo Energy Center LLC ("**ESEC LLC**") filed an Application for Confidential Designation of Cultural Resources Records in response to California Energy Commission (the "**CEC**") Data Request Nos. 68 – 82 (the "**Initial Application**") related to ESEC LLC's Petition to Amend the El Segundo Energy Center (00-AFC-14C) project (the "**Project**"). The CEC granted ESEC LLC's request pursuant to that certain CEC Response to Application for Designation of Cultural Resources Records in Response to Data Request Nos. 68 – 82, dated and docketed on October 2, 2013, as CEC TN # 200743 (the "**Confidential Designation**"). Pursuant to the Confidential Designation, any "subsequent submittals related to cultural resources can be deemed confidential" without the need for a new application for confidential designation under California Code of Regulations, Title 20, section 2505, if ESEC LLC files a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by the Confidential Designation.

CEC staff subsequently requested additional information to supplement ESEC LLC's confidential response to Data Request No. 78. The enclosed compact disk in Attachment A hereto contains the requested confidential information (collectively, the "**Confidential Information**"), which ESEC LLC hereby provides to the CEC subject to the Confidential Designation previously accorded to the confidential data in the Initial Application and all substantially similar information ESEC LLC submits to the CEC thereafter, such as the Confidential Information.

As the Confidential Information pertains to cultural resources records located at and in the vicinity of the Project site, and is substantially similar to the information granted

confidentiality by the Confidential Designation, the Confidential Information should be deemed confidential as well.

Furthermore, ESEC LLC's consultant has not disclosed the enclosed, confidential, cultural resources information to anyone other than its employees, affiliate employees, consultants, and attorneys assisting ESEC LLC with efforts related to the Project. Furthermore, ESEC LLC has not released any of the information contained in the compact disk to any member of the general public, and has prohibited its employees, affiliate employees, consultants and attorneys from releasing to the public any portion of that information at any time.

I certify under penalty of perjury that the information contained in this letter is true, correct, and complete to the best of my knowledge, and that the enclosed Confidential Information is substantially similar to the information granted confidentiality by the CEC's Confidential Designation. As an attorney for ESEC LLC, I am authorized to make the above certification and to submit this letter on behalf of ESEC LLC.

Dated: March 5, 2014

Locke Lord LLP

By: 

John A. McKinsey
Attorneys for El Segundo Energy Center LLC

JAM: awph

Enclosures; compact disk to be hand-delivered