

DOCKETED

Docket Number:	08-AFC-08A
Project Title:	Hydrogen Energy Center Application for Certification Amendment
TN #:	200032
Document Title:	HECA Application for Confidential Designation
Description:	N/A
Filer:	Tiffani Winter
Organization:	Michael Carroll, Applicant's Counsel
Submitter Role:	Applicant's Representative
Submission Date:	7/23/2013 4:24:23 PM
Docketed Date:	7/23/2013

LATHAM & WATKINS LLP

RECEIVED
CALIFORNIA ENERGY COMMISSION

2013 JUL 23 PM 1:54

DOCKET OFFICE

July 22, 2013

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

Re: **Application for Confidential Designation**
Hydrogen Energy California Power Plant (08-AFC-8A)
Confidential Extended Phase I Work Plan

Dear Mr. Oglesby:

Hydrogen Energy California, LLC ("Applicant") proposed the Hydrogen Energy California integrated gasification combined cycle facility (08-AFC-8) on July 31, 2008 ("Project"). On May 2, 2012, Applicant filed an Amended AFC and a new Docket number, 08-AFC-8A, was assigned.

As part of the investigation of the Project's potential to effect Cultural Resources, Applicant prepared the attached Confidential Extended Phase I Work Plan (the "Confidential Record"). On June 4, 2013, Applicant previously requested confidentiality for substantially similar information related to the Confidential Extended Phase I Work Plan pursuant to California Government Code § 6254(r)(Docket No. 71209).

The Confidential Record contains sensitive information related to cultural, archaeological, paleontological or historical objects, structures, landscapes, resources, sacred places, or sites of concern to local Native Americans or other ethnic groups, or resources or objects described in California Public Resources Code §§ 5097.9 or 5097.993. If the information in the Confidential Record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage sensitive cultural, archaeological, historical and/or paleontological resources.

According to the CEC's regulations, an application for confidential designation for information that is substantially similar to information that was previously deemed confidential by the CEC will be approved if the Applicant properly certifies the information, as provided

650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Tel: +1.714.540.1235 Fax: +1.714.755.8290
www.lw.com

FIRM / AFFILIATE OFFICES

Abu Dhabi	Moscow
Barcelona	Munich
Beijing	New Jersey
Boston	New York
Brussels	Orange County
Chicago	Paris
Doha	Riyadh
Dubai	Rome
Frankfurt	San Diego
Hamburg	San Francisco
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	
050056-0001	

LATHAM & WATKINS LLP

herein. *See* Title 14, California Code of Regulations, § 2505(a)(4). Accordingly, Applicant requests that the entire Confidential Record be designated confidential as substantially similar to the information previously provided.

Applicant requests that the Confidential Record not be disclosed even if aggregated with other information or redacted to conceal certain information. If the information in the Confidential Record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage sensitive cultural, archaeological, historical and/or paleontological resources. The Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, consultants, others working as part of the Project application or others with a specific need for the information.

I have been authorized to make this application and certification on behalf of the Applicant. With my signature to this letter, 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.

Very truly yours,

/s/ Michael Carroll

Michael Carroll
of LATHAM & WATKINS LLP