

## DOCKETED

<b>Docket Number:</b>	09-AFC-05C
<b>Project Title:</b>	Abengoa Mojave Compliance
<b>TN #:</b>	212015
<b>Document Title:</b>	Mojave Solar LLC Application for Confidential Designation
<b>Description:</b>	Confidential documents Paleontological Resources Report for the Mojave Solar Project and entire Appendix B: Fossil Locality Forms for Newly Recorded Fossil Localities
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	Abengoa Solar
<b>Submitter Role:</b>	Applicant
<b>Submission Date:</b>	6/29/2016 11:24:59 AM
<b>Docketed Date:</b>	6/29/2016

# Mojave Solar LLC

42134 Harper Lake Rd  
Hinkley, CA 92347

---

**Subject:** 09-AFC-5C  
**Condition Number:** PAL-7  
**Description:** Paleontological Resources Report - **Confidential**  
**Submittal Number:** PAL7-00-00

---

**06/09/2016**

Dale Rundquist, CPM  
(09-AFC-5C)  
California Energy Commission  
1516 Ninth Street (MS-2000)  
Sacramento, CA 95814  
Dale.Rundquist@energy.state.ca.us

Dear Mr. Rundquist,

Pursuant to Condition of Certification PAL-7, enclosed for your review and approval is the Paleontological Resources Report for the Mojave Solar Project.

As stated in the Verification for PAL-7, this is submitted under confidential cover. The request to the CEC Executive Director for confidential designation follows.

José Manuel Bravo  
Manager  
Compliance, Quality and Environment Department

**ABENGOA**

**SOLAR**

**ASI Operations LLC**  
42134 Harper Lake Rd  
Hinkley, CA 92347

# Mojave Solar LLC

42134 Harper Lake Rd  
Hinkley, CA 92347

May 17, 2016

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

RE: 09-AFC-5C, Mojave Solar Project  
Application for Confidential Designation – PAL-7: Paleontological Resources  
Report

Dear Mr. Oglesby:

Mojave Solar LLC ("MSLLC") is the owner of the Mojave Solar Project located in unincorporated San Bernardino County, California (the "Project"). In compliance with Condition of Certification PAL-7 of the CEC License for the Project (09-AFC-5C), MSLLC's consultant, SWCA, prepared a document entitled Paleontological Resources Report (the "PRR"), which is enclosed. Pursuant to the requirements of the Verification for PAL-7, MSLLC requests that the Paleontological Report be designated confidential pursuant to 20 CCR Section 2505.

In support of its application for confidential designation, MSLLC provides the following information:

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

*PAL-7: Paleontological Resources Report for the Mojave Solar Project (09-AFC-5C), San Bernardino County, California.* May 2016. Pages: 51 for main document, and also the entirety of Appendix B: Fossil Locality Forms for Newly Recorded Fossil Localities

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

Based upon the Verification for PAL-7, MSLLC requests confidential designation for the entire *Paleontological Resources Report*. In particular, the report contains confidential fossil locality information, both in Table 4 and Appendix B, which cannot be shared with the public.

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

The PRR should be kept confidential indefinitely to protect potential paleontological resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting.

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.

The PRR specifically identifies site locations and areas of potential paleontological 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 cost 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 paleontological resource sites described in the PRR. Such looting would preclude scientific study of the sites to obtain data about the paleontological resource areas.

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.

It is believed that the California Energy Commission staff could incorporate a generalized summary of the information contained in the PRR 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.

MSLLC has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, and consultants working on the Project.

This document has been marked "confidential" and has a policy that it must be segregated for other Project files.

I have been authorized to make this application and certification on behalf of MSLC. 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.

Thank you.



José Manuel Bravo  
Manager  
Compliance, Quality and Environment Department

**ABENGOA**

**SOLAR**

**ASI Operations LLC**  
42134 Harper Lake Rd  
Hinkley, CA 92347

Attachments: PAL-7: Paleontological Resources Report