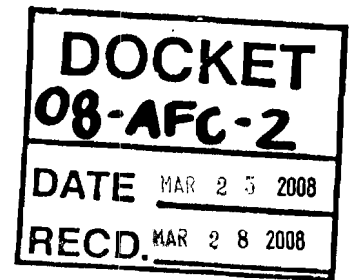


## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

March 25, 2008

Mr. Nicolaas W. Pullin  
Downey / Brand LLP  
555 Capitol Mall, 10th Floor  
Sacramento, CA 95814



**RE: Cultural Resources: Application for Confidentiality,  
Beacon Solar Energy Project,  
Docket No. 08-AFC-2**

Dear Mr. Pullin:

On March 18, 2008, the Beacon Solar Energy Project (Beacon) filed an application for confidentiality pertaining to the above captioned docket. The application seeks confidentiality for the "Archaeological Resources Survey Report, Kern County, California."

Beacon's application for confidentiality states, in part:

Beacon Solar requests that the attached Report containing confidential cultural resources information be kept confidential. The Report identifies confidential cultural resources information, such as the location and content of any archaeological or cultural sites. Specifically, this information is set forth in detail in Attachment 2 (Records Search), Attachment 4 (Site Location Maps), Attachment 5 (DPR Site Forms), and Attachment 6 (DPR Isolate Forms) of the Report. . . . Beacon requests that the California Energy Commission ("Commission") keep this information confidential permanently.

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 recognizes the confidentiality principles of federal law. (Gov. Code, § 6254(k).) The Archaeological Resources Protection Act (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. § 470hh.) Non-disclosure of the archaeological and cultural resources, such as the information that Beacon has submitted, is expressly in the public interest to be kept confidential pursuant to the Act. Therefore, Beacon's application will be granted confidentiality in its entirety, and it will be kept confidential for an indefinite period.

Mr. Nicolaas W. Pullin

March 25, 2008

Page 2

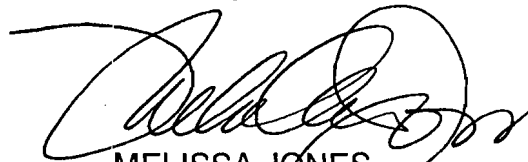
**Please note that any subsequent submittals related to this application can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if Beacon files a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.**

Persons may petition to inspect or copy the 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.

In addition, an appeal of this confidentiality determination must be filed within fourteen days from the date of this decision. The procedures and criteria for appealing any part of this decision are set forth in the California Code of Regulations, title 20, section 2505.

If you have any questions concerning this matter, please contact Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Jones', written over a circular stamp or seal.

MELISSA JONES  
Executive Director

cc: Docket Unit  
Energy Commission Project Manager