

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

April 16, 2008

Mr. Robert Gill
City of Riverside Public Utilities
3900 Main Street
Riverside, CA 92522

DOCKET	
08-SPPE-1	
DATE	APR 16 2008
REC'D.	APR 16 2008

**RE: Cultural Resources: Application for Confidentiality,
Riverside Energy Resources Center Project,
Docket No. 08-SPPE-1**

Dear Mr. Gill:

On April 3, 2008, the City of Riverside Public Utilities (Riverside) filed an application for confidentiality pertaining to the above captioned docket. The application seeks confidentiality for the Riverside Energy Resource Center's Cultural Resources Appendix 6.4-A.

Riverside's application for confidentiality states, in part:

The attached Cultural Resources information is to be kept confidential in perpetuity, or until returned to the Applicant or its Cultural Resource representatives. . . . Archaeological and other heritage resources can be damaged or destroyed through uncontrolled public disclosure of information regarding their location.

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 cultural resources, such as the information that Riverside has submitted, is expressly in the public interest to be kept confidential pursuant to the Act. Therefore, Riverside's application will be granted confidentiality in its entirety, and it will be kept confidential for an indefinite period.

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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 Riverside 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. 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 in a cursive style.

MELISSA JONES
Executive Director

cc: Docket Unit
Energy Commission Project Manager