

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

May 23, 2008

DOCKET 08-AFC-2	
DATE	MAY 23 2008
RECD.	MAY 28 2008

Ms. Rebecca Apple
EDAW, Inc.
1420 Kettner Blvd., Suite 500
San Diego, CA 92101

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

Dear Ms. Apple:

On April 18, 2008, EDAW, Inc. filed an application for confidentiality on behalf of the Beacon Solar Energy Project (Beacon) as pertaining to the above-captioned docket. Beacon seeks confidentiality for 11 reports containing sensitive cultural resource information, which contain the location and content of archaeological sites.¹

Beacon's application for confidentiality states, in part:

Beacon requests that the California Energy Commission (Commission) keep this information (reports and map) confidential permanently. . . . Publication of the location and specific descriptions of the assets may invite the curious, who may unwittingly disrupt or destroy the assets, and even worse may encourage destruction or theft from the sites.

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 you have 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.

¹ Report Numbers: KE-00029, KE-00030, KE-00248, KE-00649, KE-01108, KE-01967, KE-01968, KE-01969, KE-02118, KE-02135, KE-03276.

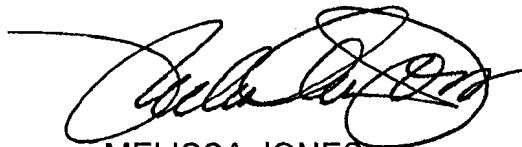
Ms. Rebecca Apple
May 23, 2008
Page 2

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.

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 horizontal line.

MELISSA JONES
Executive Director

cc: Docket Unit
Energy Commission Project Manager