

ORANGE GROVE ENERGY, L.P.

1900 East Golf Road, Suite 1030, Schaumburg, IL 60173 (847) 908-2800

June 25, 2008

Ms. Melissa Jones  
Executive Director  
California Energy Commission  
Dockets Office, 4<sup>th</sup> Floor  
1516 Ninth Street  
Sacramento, CA 95814

COMPLETED

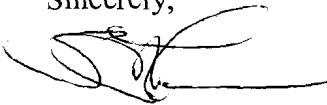
Subject: Information Submitted under Confidentiality pursuant to 20 CCR §2505  
Cultural Resources Surveys and Records Searches,  
Orange Grove Project, San Diego County, California  
Docket Number: 08-AFC-4

Dear Ms. Jones:

Orange Grove Energy, L.P. has undertaken cultural resource studies for the Orange Grove Project located near Pala, California, in order to evaluate potential affects on cultural resources from the proposed Orange Grove Project. The cultural resource studies were preformed by qualified cultural resources staff. The results of the cultural resource studies are summarized in the Application for Certification (AFC) for the Orange Grove Project docketed with CEC on June 19, 2008.

Enclosed with this transmittal are three paper copies and one CD copy of confidential reports that include the locations and descriptions of potentially sensitive Native American sites and other cultural sites identified in the project vicinity through the course of the cultural resource studies. These enclosures comprise Appendices 6.7-B, 6.7-C and 6.7-D to the AFC. We request that the attached information be designated confidential in accordance with 20 CCR Section 2505 et seq. The application requesting confidentiality is attached. Please contact Joe Stenger at TRC at (805) 528-6868 with any questions regarding this matter.

Sincerely,



Stephen Thome  
Vice President of Development  
Orange Grove Energy, L.P.

<b>DOCKET</b>	
08-AFC-4	
DATE	JUN 25 2008
RECD.	JUN 30 2008

Enclosures and Attachment

**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
(Title 20 Cal. Code Regs., § 2505 et seq.)

**To:** ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

**ENERGY COMMISSION CONTRACT/DOCKET NO. (IF APPLICABLE):** 08-AFC-4

**APPLICANT:** Orange Grove Energy, L.P.

**ADDRESS:** 1900 East Golf Road, Suite 1030, Schaumburg, IL. 60173

**1(a). Title, date, and description (including number of pages) of the information or for which you request confidential designation. Information or data seeking a designation of confidentiality must be included with this application.**

See response to 1(b) below.

**1(b). Specify the part(s) of the information or data for which you request confidential designation.**

All of the following information considered to be confidential has been prepared by qualified consultants and has not been disclosed to any other party.

In **Appendix 6.7-B**, the following documents contain confidential information:

“Confidential Report: Supplemental Archaeological Survey Report and Assessment of Potential Impacts to Archaeological Resources for the Orange Grove Project Gas Line Route and Water Facilities Locations, San Diego County” (April 2008). Prepared by Pacific Legacy, Inc.; submitted to the California Energy Commission. The entire document is considered confidential and is submitted as such.

“Confidential Report: Supplemental Archaeological Survey Report and Assessment of Potential Impacts to Archaeological Resources, Orange Grove Power Project (07-SPPE-2), San Diego County, California” (October 2007). Prepared by TRC; submitted to the California Energy Commission. The entire document is considered confidential and is submitted as such.

“Confidential Report: Orange Grove Project Additional Historical & Cultural Resources Surveys, Reconnaissance Level Archaeological & Built Environment Survey Report, Freshwater & Reclaimed Water Pickup Stations, Yucca Road & Alturas Road, Fallbrook, California” (June 2008). Prepared by Urbana Preservation & Planning; submitted to the California Energy Commission. The entire document is considered confidential and is submitted as such.

All of the information in Appendix 6.7-C is confidential, comprising the entire “Record Search Report, J Power Pala – Orange Grove, San Diego, California” (March 2007) as compiled by staff of the South Coastal Information Center of the California Historical Resources Information System (CHRIS) and submitted to the qualified consultant according to the terms of a confidentiality agreement, as required by all Information Centers of the CHRIS. Prepared for TRC and submitted to the California energy Commission.

**Appendix 6.7-D** comprises cultural resources reports obtained from the South Coastal Information Center of the California Historical Resources Information System (CHRIS) and submitted to the qualified consultant according to the terms of a confidentiality agreement, as required by all Information Centers of the CHRIS. Prepared for TRC and submitted to the California Energy Commission. All of the information in Appendix 6.7-D is confidential.

**2. State and justify the length of time the Energy Commission should keep information or data confidential.**

The above referenced figures, pages and appendix should be kept confidential in perpetuity. If the descriptions of the locations of the sites are released to the public domain, there is risk of looting or other acts of vandalism to the cultural resources identified.

**3(a). State the provision(s) of the Public Records Act (Gov. Code § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.**

The above referenced figures, pages, reports and appendices identify site locations and areas of potential American cultural significance. It is thus protected under Government Code Section 6254 (r).

**3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease 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 cultural resource sites described in the above referenced figures, pages, reports and appendices. Such looting would preclude scientific study of the sites to obtain data about the cultural resource areas.

**4. State whether the information or data can 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.**

The above referenced figures, pages, reports and appendices cannot be disclosed in whole, or in any part (e.g. masked) in order to protect sensitive cultural resources.

**5. State how the material is kept confidential by the applicant and whether it has been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.**

This material described in 1a and 1b is marked "Confidential", stored separately from other Orange Grove Project files, and will be made available on a "need to know" basis as determined by Orange Grove Energy, L.P. or its consultants/attorneys/contractors. The materials have been provided to California Energy Commission as part of the Orange Grove Project Application for

Certification.

**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 and I am authorized to make the application and certification on behalf of the applicant.**

**Dated:** 25 June 2008

**Signed:**  \_\_\_\_\_

**Name (print or type):** Stephen Thome

**Title (print or type):** Vice President of Development

**Representing:** Orange Grove Energy, L.P.

**Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.**