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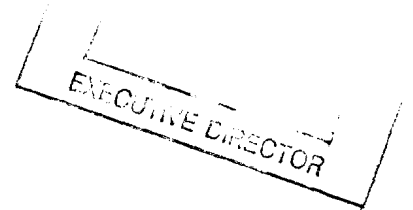
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July 9, 2008

## VIA OVERNIGHT MAIL

Melissa Jones  
Executive Director  
California Energy Commission  
1516 9th Street  
Sacramento, CA 95814

COMPLETED



**Re: Request for Confidential Designation of Confidential Paleontological Resources Technical Report provided in connection with the Willow Pass Generating Station Application for Certification (Docket No. 08-AFC-6)**

Dear Ms. Jones:

Pursuant to Title 20 California Code of Regulations § 2505, Mirant Willow Pass, LLC, ("Mirant Willow Pass") hereby submits this application for confidential designation for the attached *Appendix S Confidential Paleontological Resources Technical Report*, ("Paleontological Report"), which was prepared by URS for submission as part of the Application for Certification ("AFC") for the Willow Pass Generating Station ("WPGS"). The AFC was submitted on June 30, 2008.

Mirant Willow Pass requests that the California Energy Commission ("Commission") designate and maintain the Paleontological Report as confidential. This request is made in accordance with Appendix B, Section (g)(16) of the Commission's Rules of Practice and Procedure and Power Plant Site Certification Regulations, which requires that paleontological information be submitted to the Commission under a request for confidentiality. The Paleontological Report identifies confidential paleontological, geological, and geophysical information, such as the potential location and content of paleontological sites, paleontological resource inventory results, and the results of geotechnical investigations. This information is set forth in detail in Sections 2.3 through 2.5 of the Paleontological Report. The Paleontological Report comprises a total of 17 pages.

<b>DOCKET</b> 08-AFC-6
DATE JUL 09 2008
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The Commission has the authority to designate the Paleontological Report as confidential pursuant to California Government Code Section 6254(e). Section 6254(e) exempts the following from public disclosure:

Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person.

The information in the Paleontological Report includes geological and geophysical data.

Pursuant to this authority, the Paleontological Report should be kept confidential indefinitely. Paleontological, geological and geophysical resources are important assets that provide information about current geologic conditions, including the potential for the presence of fossils or locations of fossil sites near the WPGS site. Publication of the location and specific descriptions of these potential locations could lead to disruption or destruction of the sites. Thus, in order to protect the integrity of these potential paleontological sites, these site descriptions and locations should be kept confidential.

Mirant Willow Pass has provided the information in a non-confidential, aggregated form in the Paleontological Resources section of Mirant Willow Pass's AFC. Further aggregation of the information is unnecessary. Masking the information in the Paleontological Report would not be a useful exercise, as the best document to inform the public of Mirant's investigation on this subject is the AFC itself, which contains aggregated information and does not disclose information that may lead to damage of potential paleontological resources.

The Paleontological Report has not been publicly disclosed and is known only to Mirant personnel and Mirant's outside consultants, engineers and attorneys. The Paleontological Report has been marked as "CONFIDENTIAL" and is maintained on a secure document management website. Only persons with permission and an access password have access to the website.

For the reasons specified above, the Commission should designate the Paleontological Report as confidential.

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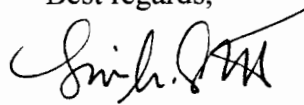
Melissa Jones

July 9, 2008

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I certify under penalty of perjury that the information contain in this application for confidential designation is true, correct, and complete to the best of my knowledge. I also certify that I am authorized to make this application and certification on behalf of Mirant Willow Pass.

Best regards,

A handwritten signature in black ink, appearing to read "Lisa A. Cottle", with a stylized flourish at the end.

Lisa A. Cottle

Attachment

cc: Mike Monasmith, California Energy Commission (w/o attachment)  
Jon Sacks, Mirant Willow Pass, LLC (w/o attachment)  
Anne Connell, URS (w/o attachment)