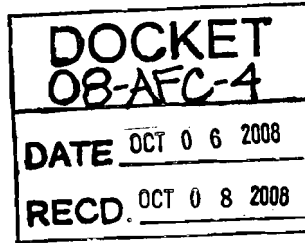


**ORANGE GROVE ENERGY, L.P.**

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

October 6, 2008

Ms. Felicia Miller  
Project Manager  
c/o Dockets Unit, 4<sup>th</sup> Floor  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512



**COMPLETED**

Subject: Information Submitted under Confidentiality pursuant to 20 CCR §2505  
Cultural Resource Study, Orange Grove Project,  
San Diego County, California  
Docket Number: 08-AFC-4

Dear Ms. Miller:

Orange Grove Energy, L.P. has commissioned a cultural resource study for the transmission line reconductoring associated with the Orange Grove Project (08-AFC-04), in order to evaluate potential affects of the reconductoring work on cultural resources. The results of this cultural resource study are summarized in Attachment 11 to the *Responses to CEC Data Requests From the September 11, 2008 Project Workshop and Other Data Requests*, submitted to the CEC on October 1, 2008.

Enclosed are two paper copies and two CD copies of the confidential report for the cultural resource study. The enclosed confidential report includes the locations and descriptions of potentially sensitive Native American sites identified in the project vicinity through the course of the cultural resource study. 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,

A handwritten signature in black ink, appearing to read "Stephen Thome", with a horizontal line extending to the right.

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

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.**

*Orange Grove Energy Project (08-AFC-4) Supplemental Archaeological Survey Report for the Monserate to Pala Substation Transmission Line Reconductoring, San Diego County, California.* October 2008. This confidential cultural resources study report consists of cover and title sheets, executive summary, table of contents, 16 pages of text, and appendices A (10 pages w/cover), B (242 pages w/cover), C (7 pages w/cover) and D (7 pages w/cover).

**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:

Appendix B, *Information Center Records Search Results*, all pages except cover page are confidential.

Appendix D, *Archaeological Site Record*, all pages except cover page are confidential.

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

The above referenced appendices 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 appendices identify site locations and areas of potential Native 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 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 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: 6 OCTOBER 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.**