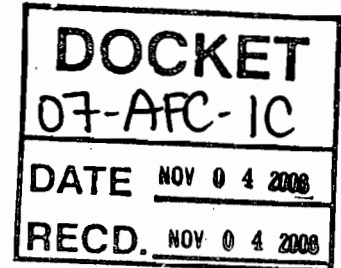


CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

November 4 , 2008

Joan Brown
SWCA Environmental Consultants
625 Fair Oaks Ave., Ste. 190
South Pasadena, CA 91030



RE: **Cultural Resources Monitoring and Mitigation Plan
Application for Confidentiality
Victorville 2 Hybrid Power Project
Docket No. 07-AFC-1C**

Dear Ms. Brown:

On October 8, 2008, the City of Victorville filed an Application for Confidentiality on behalf of the proposed Victorville 2 Hybrid Power Project (Docket No.07-AFC-1C). The Application seeks confidentiality for the Cultural Resources Monitoring and Mitigation Plan ("CRMMP") for the City's Application for Certification.

You state that the CRMMP:

. . . specifically identifies site locations and areas of potential cultural significance. . . If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting. . . Such looting would preclude scientific study of the sites to obtain data about the cultural resource areas that they contain and would potentially damage resources that are valued by Native American and other ethnic groups.

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."

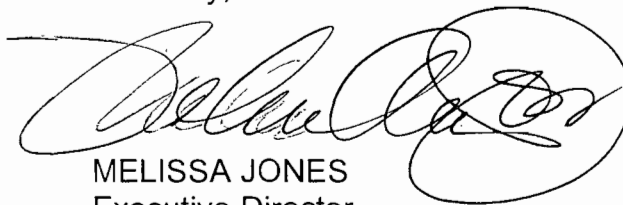
The California Public Records Act recognizes the confidentiality principles of federal law (Gov. Code, sec. 6254(k)). The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them (16 U.S.C. sec. 470hh.) Non-disclosure of archeological resources, such as the information that you have submitted in the Technical Report, is expressly in the public interest.

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Therefore, Victorville's October 8, 2008, confidentiality application for portions of the CRMMP is granted in its entirety for an indefinite period. Any subsequent submittals related to cultural resources 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 you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Be advised that persons may petition to inspect or copy 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 Deborah Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Jones', is written over a large, faint circular watermark or stamp.

MELISSA JONES
Executive Director

cc: Docket Unit
Energy Commission Project Manager