

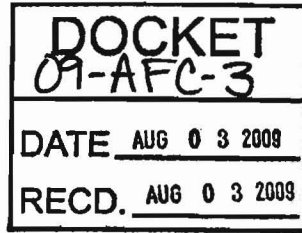
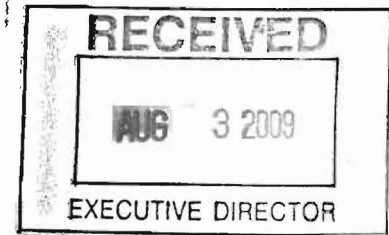
ELLISON, SCHNEIDER & HARRIS L.L.P.

CHRISTOPHER T. ELLISON
ANNE J. SCHNEIDER
JEFFERY D. HARRIS
DOUGLAS K. KERNER
ROBERT E. DONLAN
ANDREW B. BROWN
GREGGORY L. WHEATLAND
CHRISTOPHER M. SANDERS
LYNN M. HAUG
PETER J. KIEL

ATTORNEYS AT LAW
2600 CAPITOL AVENUE, SUITE 400
SACRAMENTO, CALIFORNIA 95816-5905
TELEPHONE (916) 447-2166 FAX (916) 447-3512

ELIZABETH P. EWENS, OF COUNSEL
BRIAN S. BIERING
TERESA W. CHAN
SHANE E. CONWAY
JEDEDIAH J. GIBSON
CHASE B. KAPPEL

August 3, 2009



COMPLETED

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

RE: Mariposa Energy Project – Docket No. 09-AFC-3
Application for Confidential Designation: Cultural Resources

Dear Ms. Jones:

Pursuant to Title 20 California Code of Regulations (CCR) Sections 2501 *et seq.*, Mariposa Energy, LLC (the "Applicant") hereby submit this "Application for Confidential Designation," for the Mariposa Energy Project.

I am submitting the Application and confidential material directly to you without docketing at the Docket Unit. Enclosed are twelve copies plus an original of this request and five copies of the confidential information it concerns. Please feel free to contact me at (916) 447-2166 should you have any questions or require additional information. Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "AB Brown".

Andrew B. Brown
Attorneys for the Applicant

enc.

APPLICATION FOR CONFIDENTIAL DESIGNATION
Mariposa Energy Project (Docket No. 09-AFC-3)
Mariposa Energy, LLC (the "Applicant")

Cultural Resources



1. *Specifically indicate those parts of the record which should be kept confidential.*

Confidential Cultural Figure 5.3-1AR for the Mariposa Energy Project.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

Consistent with applicable law, this information should be held confidential indefinitely in order to protect the cultural resources identified therein.

3. *Cite and discuss (i) the provisions of the Public Records Act or other law which allow the commission to keep the record confidential and (ii) the public interest in nondisclosure of the record.*

The Commission's regulations require that this information be submitted under a request for confidential designation. Calif. Code of Regulations, Title 20, Chapter 5, Appendix B, section (g)(2). The information is exempt from disclosure under the Public Records Act pursuant to applicable law, including but not limited to, Government Code sections 6254(r) and 6254.10. The public interest in nondisclosure is that disclosure may enable location of these resources by thieves, vandals, or persons conducting unauthorized collection of materials.

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant considered whether it would be possible to aggregate or mask the information. However, no feasible method of aggregating or masking the information could be identified that would not either disclose the information or render the information provided useless.

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

Applicant has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the Mariposa Energy Project. Moreover, this information has not been disclosed to persons employed by or working for Applicant except on a "need-to-know" basis. It is my understanding that the Applicant is

marking this information as “confidential,” instituting a policy that it be segregated from other Mariposa Energy Project files, and requiring that access to it be restricted.

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 belief. I am authorized to make the Application and Certification on behalf of Applicant.

Dated: August 3, 2009

ELLISON, SCHNEIDER & HARRIS LLP

By: _____

A handwritten signature in black ink, appearing to read 'Andrew B. Brown', written over a horizontal line.

Andrew B. Brown
Ellison, Schneider & Harris L.L.P.
Attorneys for Applicant