

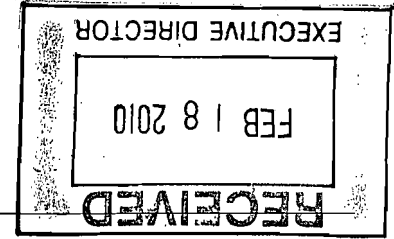


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COMPLETED

Transmittal



Date: February 16, 2010

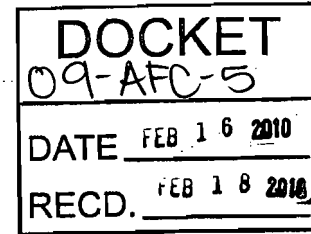
To: Ms. Melissa Jones
 Executive Director
 California Energy Commission
 1516 Ninth Street MS 39
 Sacramento, CA 95814

From: Trina Meiser, Architectural Historian

Subject: Abengoa Mojave Solar Project (09-AFC-5)

Project No. 08080191.01

Sent Via: FedEx



Distribution: CONFIDENTIAL

Enclosed are one (1) hard copy and two (2) digital copies of Attachments 2 – 5 of the Mojave Solar Project Evaluation Report. Also enclosed is an Application for Confidentiality for these documents.

These documents are in support of the Second Supplemental Written Response to Data Request Set 1B for Cultural Resources. If you have any questions or require further information, please contact Trina Meiser at Trina.Meiser@AECOM.com or at (619) 233 1454.

February 16, 2010

VIA FedEx

Ms. Melissa Jones
Executive Director
California Energy Commission
1516 Ninth Street MS 39
Sacramento, CA 95814

Subject: Abengoa Mojave Solar Project (09-AFC-5): Application for Confidentiality for Attachments 2–5 of the Mojave Solar Project Cultural Resource Evaluation Report, Second Supplemental Written Response to Data Request Set 1B for Cultural Resources

Dear Ms. Jones:

Under California Code of Regulations Title 20 Section 2505, Abengoa Solar Inc. is submitting this application for confidential designation of the attached documents in connection with the Abengoa Mojave Solar Project (Project) Application for Certification (AFC).

Abengoa Solar Inc. requests that the attached documents (see list below) containing sensitive cultural resources information be kept confidential.

- Cultural Resources Evaluation Report, Attachment 2 – Contact Program
- Cultural Resources Evaluation Report, Attachment 3 – Project Maps
- Cultural Resources Evaluation Report, Attachment 4 – Site Forms
- Cultural Resources Evaluation Report, Attachment 5 – Catalogs

Abengoa Solar Inc. requests that the California Energy Commission (CEC) keep this information confidential permanently. The requested time frame is consistent with the definition of public records contained in California Code of Regulations Section 6254.10, which indicates that:

Nothing in this chapter requires disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

The attached documents provide just the type of information discussed in the above-cited Government code section. Consistent with the intent of California Code of Regulations Section 6254.10, such information should be considered confidential permanently.

Ms. Melissa Jones
Executive Director
California Energy Commission
February 16, 2010
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Cultural resources are assets providing insight into prior cultures and lose a great deal of value if they are improperly disturbed. Publication of the location and specific descriptions of the assets may invite the curious, who may unwittingly disrupt or destroy the assets. Even worse, publishing the location may encourage destruction of or theft from the sites. Thus, to protect the integrity of these sites, site descriptions and locations should be kept confidential.

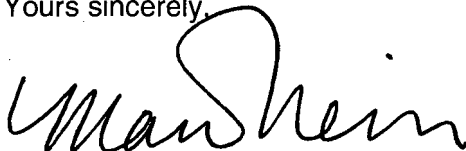
Abengoa Solar Inc. and its consultant AECOM have taken steps to keep the information regarding sensitive cultural resources confidential through limited handling of files and protected storage of files. Information has been disclosed on a need-to-know basis only, with information marked as confidential and the explicit instruction that information therein contained was to be treated as confidential. No persons besides the applicant, its employees, or its environmental consultants have had access to the confidential information. The Project's permitting attorneys, Christopher T. Ellison and Shane Conway of Ellison, Schneider & Harris, received the information for the purpose of understanding the project's exposure to risk, and is, to date, the only person beyond Abengoa Solar Inc., AECOM, and the CEC to receive the files. There has been no mass distribution of the files. (Pursuant to California Code of Regulations Section 2505 (a)(1)(F).)

The information in a non-confidential summary form is already included in the cultural section of the AFC. Making the information contained in the attached documents public is unnecessary, and Abengoa Solar Inc. believes that only the CEC and its staff will need the detailed information provided in these reports to properly carry out their analysis. The public document included in the AFC can serve as a summary for the CEC's analysis without disclosing information that could lead to damage of the sites.

For the reasons specified above and the specific statutory protection provided for cultural records, the CEC should designate the attached documents as confidential.

I state 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 that I am authorized to make the application on behalf of Abengoa Solar Inc.

Yours sincerely,



Trina Meiser
Architectural Historian