

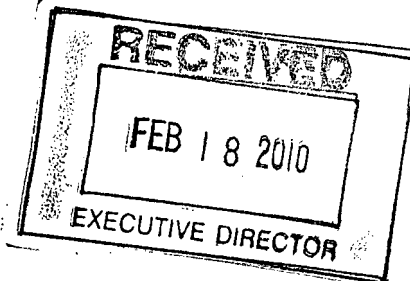
**URS**

**COMPLETED**

January 14, 2010

Mr. Ron Yasny  
Compliance Project Manager  
Energy Facilities Siting Division  
California Energy Commission  
1516 9th St. Mail Stop 2000  
Sacramento, Ca. 95814-5512

<b>DOCKET</b> 99-AFC-5C
DATE <u>JAN 14 2010</u>
RECD. <u>FEB 18 2010</u>



**SUBJECT: Otay Mesa Energy Center  
Docket No. 99-AFC-5  
Submission of Final Paleontological Resources Report  
Pursuant to Condition (PAL-6)**

Dear Mr. Yasny:

On behalf of Mr. David Ivester, Otay Mesa Energy Center Compliance Specialist, please find enclosed pursuant to Condition PAL-6 and your direction by e-mail dated January 12, 2010 one hard copy of the Final Paleontological Resources Report (PRR) and one copy on a cd. Also enclosed is an Application for Confidential Designation. If you have any questions, please feel free to contact me at (510) 874-3195, or by e-mail at [brian\\_hatoff@urscorp.com](mailto:brian_hatoff@urscorp.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Hatoff".

Brian W. Hatoff  
Senior Project Archaeologist  
URS

cc(w/attachments): David Ivester  
cc (w/o attachments): Lanny Fisk, PaleoResource Consultants  
Angela Leiba, URS

URS Corporation  
1333 Broadway, Suite 800  
Oakland, CA 94612-1924  
Tel: 510.893.3600  
Fax: 510.874.3268

APPLICATION FOR CONFIDENTIAL DESIGNATION  
(20 CCR 2505)

OTAY MESA ENERGY CENTER, LLC  
APPLICATION FOR CERTIFICATION  
OTAY MESA ENERGY CENTER  
(DOCKET NO. 99-AFC-05)

PALEONTOLOGICAL RESOURCES REPORT

APPLICANT: Otay Mesa Energy Center, LLC

ADDRESS: 647 Alta Road, San Diego, CA 92154-5797

1(a) Title, date, and description of the record for which you request confidential designation.

Otay Mesa Energy Center Paleontological Resources Report (including Appendices A - F) for Otay Mesa Energy Center, 647 Alta Road, San Diego, CA 92154-5797. January 2010.

1(b) Specify the part(s) of the record for which you request confidential designation.

Applicant requests that Appendices E and F be designated as confidential.

2 State and justify the length of time the Commission should keep the record confidential.

The information should be kept confidential indefinitely to protect paleontological resources locations identified in the report. If the descriptions of the location of the paleontological resources are released to the public domain, there is an unacceptable risk of looting.

3(a) State the provision(s) of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

The site descriptions are essentially equivalent to the information maintained by the State Historical Resources Commission, which are exempted from disclosure by sections 6254.10 and 6254(r) of the Public Records Act, respectively [Cal. Govt. Code Sections 6254.10, 6254(r)].

3(b) Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant and the ease of difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest would be served by nondisclosure by preventing the unauthorized looting of the paleontological resources described in the Paleontological Resources Report, Appendices E and F specified in response 1, above. Such looting would preclude scientific study of the worthy locality to gain scientific data about paleoenvironments and the diversity of plant and animal life that once existed in the area.

- 4 State whether the record may 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 site location descriptions cannot be masked because masking will still reveal the location of the site that is the essence of the record that requires confidential treatment.

- 5 State how the record is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

The Paleontological Resources Report has not been disclosed by the applicant to anyone other than the applicant's employees or agents and the Commission Staff. Applicant cannot certify, however that the report prepared under the direction of others, e.g. PaleoResource Consultants has not been revealed to others.

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 that I am authorized to make the application and certification on behalf of the applicant.

Dated: January 14, 2010

Signed: 

Name (print): Brian W. Hatoff

Title: Senior Project Archaeologist

Representing: URS Corporation