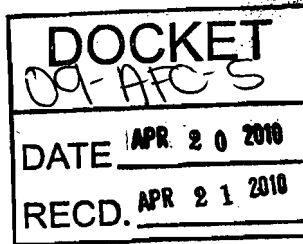


**CONFIDENTIAL**

April 20, 2010

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

**Subject: Application for Confidentiality of the Abegoa Mojave Solar Project Cultural Resource Data in Support of the Abengoa Mojave Solar Project Application for Certification (Docket No. 09-AFC-5)**

Dear Ms. Jones:

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

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

- CA-SBR-6553H revised (DPR site form for P-36-006553)
- Site Boundary Data Request MS-H-004
- Site Boundary Data Request MS-H-026
- Site Boundary Data Request MS-M-225
- Site Boundary Data Request P-36-006553

Mojave Solar, LLC 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.

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

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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.

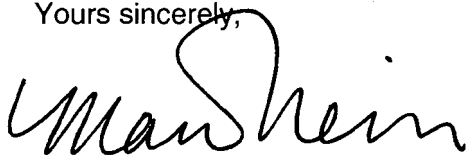
Mojave Solar, LLC and its consultant AECOM have taken steps to keep the information regarding sensitive cultural resources confidential through limited handling of files and protected storage of files. Information has been disclosed on a need-to-know basis only, with information marked as confidential 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 attorney, 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 Mojave Solar, LLC, 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 would render the information useless, and Mojave Solar, LLC believes that 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 Mojave Solar, LLC.

Yours sincerely,



Trina Meiser  
Architectural Historian