

Marc Campopiano
(714) 755-2204
marc.campopiano@lw.com

650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Tel: +1.714.540.1235 Fax: +1.714.755.8290
www.lw.com

LATHAM & WATKINS LLP

ORIGINAL

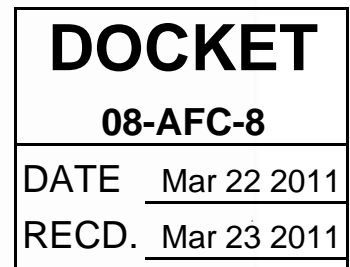
FIRM / AFFILIATE OFFICES

Abu Dhabi Moscow
Barcelona Munich
Beijing New Jersey
Brussels New York
Chicago Orange County
Doha Paris
Dubai Riyadh
Frankfurt Rome
Hamburg San Diego
Hong Kong San Francisco
Houston Shanghai
London Silicon Valley
Los Angeles Singapore
Madrid Tokyo
Milan Washington, D.C.

March 22, 2011

VIA FEDEX

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



Re: **Application for Confidential Designation –**
Hydrogen Energy California Power Plant (08-AFC-8) –
Appendix A, Archaeological Survey Report Addendum

Dear Ms. Jones:

Hydrogen Energy International, LLC (“Applicant”) has proposed the Hydrogen Energy California Power Plant (08-AFC-8) (“HECA”) with the California Energy Commission (CEC). In a separate letter to you of today’s date, we prepared a request on behalf of the Applicant for temporary confidential designation of certain information related to project linear modifications. However, the attached appendix to the information related to project linear modifications includes sensitive data about archaeological resources that we request be permanently maintained as confidential, entitled *Appendix A, Archaeological Survey Report Addendum (Confidential)* (the “Submitted Record”).

We request that the Submitted Record be designated confidential, and be permanently maintained as confidential, pursuant to California Government Code § 6254(r). The Submitted Record contains sensitive information related to cultural, paleontological, archaeological or historical objects, structures, landscapes, resources, sacred places, or sites of concern to local Native Americans or other ethnic groups, or resources or objects described in California Public Resources Code §§ 5097.9 or 5097.993. If the information in the Submitted Record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage sensitive cultural, archaeological, or paleontological resources.

According to the Energy Commission’s regulations, an application for confidential designation “shall be granted if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential.” (Title 14, California Code of Regulations, § 2505(a)(3)(A).) The Applicant believes this letter

LATHAM & WATKINS^{LLP}

establishes a reasonable claim for confidentiality based on the applicability of Government Code § 6254(r).

To ensure the long-term protection of the cultural, archaeological, or paleontological resources from looting, vandalism or other degradation, the Applicant requests that the entirety of the Submitted Record be kept confidential indefinitely, and that the Submitted Record not be disclosed even if aggregated with other information or redacted to conceal certain information. The Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, consultants, others working as part of the project application before the Energy Commission, or others with a specific need for the information.

I have been authorized to make this application and certification on behalf of the Applicant. With my signature to this letter, 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.

Very truly yours,



Marc Campopiano
of LATHAM & WATKINS LLP

cc:

Gregory Skannal, Hydrogen Energy International, LLC
Asteghik Khajetoorians, Hydrogen Energy International, LLC
Dale Shileikis, URS Corporation
Kathy Rushmore, URS Corporation