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COMPLETED

January 6, 2012

DOCKET 11-AFC-2
DATE <u>JAN 06 2012</u>
RECD. <u>JAN 06 2012</u>

Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Application for Confidential Designation of Paleontological Resources Information by the Hidden Hills Solar Electric Generating System Project [11-AFC-02]

Dear Mr. Oglesby:

Pursuant to Sections 2501, *et seq.* of Title 20 of the California Code of Regulations, Hidden Hills Solar I, LLC and Hidden Hills Solar II, LLC (collectively, the "Applicant") hereby submits this "Application for Confidential Designation" for the Hidden Hills Solar Electric Generating System, relating to paleontological resources.

We are submitting the Application and 5 CDs of the confidential material directly to the Docket Unit. Please feel free to contact us at (916) 447-2166 should you have any questions or require additional information. Thank you for your consideration of the Applicant's request.

Sincerely,



Samantha G. Pottenger

Attorneys for the Applicant

enclosure

APPLICATION FOR CONFIDENTIAL DESIGNATION

Hidden Hills Solar Electric Generating System – [11-AFC-02]

**Hidden Hills Solar I, LLC and Hidden Hills Solar II, LLC
(collectively, the “Applicant”)**

Paleontological Resources

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

CONFIDENTIAL Attach_DR100-1_PaleoTM_complete

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

This information should be held confidential indefinitely in order to protect the paleontological 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)(16)(D). Furthermore, the information is exempt from disclosure pursuant to Government Code section 6254.10, which provides that a lead agency is not required under the Public Records Act to disclose “records that relate to archaeological site information and reports” either maintained by or in the possession of the agency. The public interest in nondisclosure is that disclosure may enable location of these resources by thieves, vandals, or persons conducting unauthorized collection of materials. It is in the public interest to keep such information confidential to ensure that these resources are protected from unauthorized collection.

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.

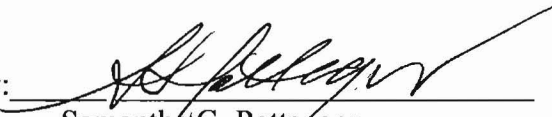
5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

Applicant has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the Hidden Hills Solar Electric Generating System. 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 Hidden Hills Solar Electric Generating System files, and requiring that access to it be restricted to a designated confidential information manager within Applicant or its attorneys, consultants, and agents.

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: January 6, 2012

ELLISON, SCHNEIDER & HARRIS LLP

By: 
Samantha G. Pottenger
Ellison, Schneider & Harris L.L.P.
Attorneys for Applicant