

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512**DOCKET****11-AFC-2**

DATE MAY 08 2012

RECD. MAY 08 2012

May 8, 2012

Samantha G. Pottenger  
Ellison, Schneider & Harris LLP  
2600 Capitol Avenue  
Sacramento, CA 95816

RE: **Hidden Hills Solar Electric Generating System Application for  
Confidential Designation: Draft Construction Site Security Plan  
Docket No. 11-AFC-2**

Dear Ms. Pottenger:

The California Energy Commission is in receipt of your Application for Confidentiality submitted on behalf of Hidden Hills Solar I and II, LLC, ("Applicant"). The Application seeks confidential designation for the following document:

- 1) Draft Construction Site Security Plan.

Applicant states that the plan contains sensitive information relating to infrastructure security concerns specific to the methods and mechanisms that will be used to secure the Hidden Hills project. The public interest in nondisclosure of the record is served by preventing access to infrastructure information by unauthorized persons who may pose a threat to the public safety and who may attempt to use the infrastructure security information for illegitimate purposes.

A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [Energy] Commission to keep the record confidential."

The California Public Records Act provides for the nondisclosure of documents which contain sensitive energy infrastructure security information which could impact public safety if the public interest in nondisclosure of the record substantially outweighs the public interest in disclosure. (Gov. Code, sec. 6255.)

The Applicant has made a reasonable claim that the law allows the Commission to keep the draft Construction Site Security Plan confidential on the grounds that ensuring public safety and maintaining the integrity of security plans for energy infrastructure such as the Hidden Hills project through nondisclosure of the security plan far outweighs the public interest in disclosure.

Samantha G. Pottenger

May 8, 2012

Page 2

Therefore, confidentiality of the Draft Construction Site Security Plan is granted in its entirety. The document will be kept confidential through the decommissioning of the project.

Any subsequent updates of the Draft Construction Site Security Plan can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Be advised that persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. If you have any questions concerning this matter, please contact Jared Babula, Senior Staff Counsel, at (916) 651-1462.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. P. Oglesby', with a long horizontal flourish extending to the right.

Robert P. Oglesby  
Executive Director

cc: Docket Unit  
Mike Monosmith, Commission Project Manager  
Rick Tyler