

California Energy Commission

DOCKETED

09-AFC-7C

TN # 69344

JAN 31 2013

January 31, 2013

Mr. Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

**Subject: Palen Solar Energy Generating System (09-AFC-7)
Palen Solar Holdings, LLC
Geoarchaeology of the Palen Solar Electric Generating System
Project Area**

Dear Mr. Oglesby,

Enclosed for confidential filing with the California Energy Commission, along with the Application for Confidential Designation are the following materials for the Palen Solar Energy Generating System (09-AFC-7):

1. **Geoarchaeology of the Palen Solar Electric Generating System Project Area**, dated January 2013; (1 Original and 4 Hard Copies)
2. **Geoarchaeology of the Palen Solar Electric Generating System Project Area**, dated January 2013; (5 Compact Discs)

Please let me know should you have any questions.

Sincerely,



Marie Fleming



455 Capitol Mall Suite 350
Sacramento CA 95814
Tel •916.441.6575
Fax •916.441.6553

January 31, 2013

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

Subject: Application for Confidential Designation
*GEOARCHAEOLOGY OF THE PALEN SOLAR ELECTRIC
GENERATING SYSTEM PROJECT AREA*
Palen Solar Energy Generating System (09-AFC-7)

Dear Mr. Oglesby,

Palen Solar Holdings, LLC, as owner of the Palen Solar Energy Generating System ("PSEGS"), requests that the attached report entitled "GEOARCHAEOLOGY OF THE PALEN SOLAR ELECTRIC GENERATING SYSTEM PROJECT AREA," including all maps, photographs, figures, references and appendices, be designated confidential pursuant to 20 CCR Section 2505.

In support of its application for confidentiality designation, Palen Solar Holdings LLC, provides the following information:

APPLICANT: Palen Solar Holdings, LLC

ADDRESS: 1999 Harrison Street, Suite 2150
Oakland, CA 94612

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

The title of the report is GEOARCHAEOLOGY OF THE PALEN SOLAR ELECTRIC GENERATING SYSTEM PROJECT AREA. A full hard copy of the report (including all maps, photographs, figures, references and appendices) with a compact disc (CD) is being submitted on 1/31/13 along with four additional copies. We request that these documents in their entirety are granted confidential designation.

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

The report identified above in 1(a), in its entirety:

GEOARCHAEOLOGY OF THE PALEN SOLAR ELECTRIC
GENERATING SYSTEM PROJECT AREA.

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

GEOARCHAEOLOGY OF THE PALEN SOLAR ELECTRIC GENERATING SYSTEM PROJECT AREA should be kept confidential indefinitely to protect cultural resources sites. The information being submitted contains specific information about previously discovered prehistoric sites and artifacts. If the information and descriptions contained in the material described above is released into the public domain, there is a potential for looting of those sites.

3(a). *State the provisions 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.*

GEOARCHAEOLOGY OF THE PALEN SOLAR ELECTRIC GENERATING SYSTEM PROJECT AREA specifically identifies areas of potential cultural, archaeological, paleontological, Native American and historical significance. It is thus protected under Government Code Sections 6254(e) and 6254(k). Protection provided is also warranted and analogous to that given to Native American sacred places under Section 6254(r) of the Government Code.

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 or difficulty with which the information could be legitimately acquired or duplicated by others.*

The public interest will be served by nondisclosure by preventing looting of the cultural and archeological resources sites described in GEOARCHAEOLOGY OF THE PALEN SOLAR ELECTRIC GENERATING SYSTEM PROJECT AREA. Such looting would preclude scientific study of the sites to gain data about the cultural and archeological resources of 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.

Palen Solar Holdings, LLC believes the California Energy Commission ("CEC") staff will require the specific information contained in GEOARCHAEOLOGY OF THE PALEN SOLAR ELECTRIC GENERATING SYSTEM PROJECT AREA to properly perform its analysis. Aggregation of information would hinder a complete CEC analysis. However, Palen Solar Holdings, LLC believes the CEC can incorporate a generalized summary of information contained in GEOARCHAEOLOGY OF THE PALEN SOLAR ELECTRIC GENERATING SYSTEM PROJECT AREA to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

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

Palen Solar Holdings, LLC has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the PSEGS. Moreover, this information will not be disclosed to any other persons employed by or working for Palen Solar Holdings, LLC except on a "need to know" basis. Palen Solar Holdings, LLC is designating this information "Confidential" and is instituting a policy that segregates this information from other PSEGS files and that access to it be restricted to a designated confidentialia. information manager or managers within Palen Solar Holdings, LLC or its attorneys/consultants.

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 I, attorney with the Law Firm of Galati Blek, LLP, am authorized to make the application and certification on behalf of the applicant.



Scott A. Galati
Counsel to Palen Solar Holdings, LLC