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March 22, 2013

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| California Energy Commission DOCKETED 97-AFC-2C |
| TN # 70100 MAR 25 2013 |

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

Re: Application for Confidential Designation of Appendix 3.3, California Historical Resources Information System (CHRIS) Records Search Results, Sutter Energy Center (97-AFC-2C), Amendment #6

Dear Mr. Oglesby:

Calpine Construction Finance Company, L.P. ("Applicant") has filed Amendment #6 for the Sutter Energy Center. Appendix 3.3, Chris Records Search Results, of the Amendment (the "Confidential Record"), includes information related to the locations of sensitive cultural resources.

The Applicant requests that the entire Confidential Record be designated confidential and be indefinitely maintained as confidential pursuant to California Government Code § 6254(r). The Confidential Record contains sensitive information related to archaeological and historic properties and other resources described in California Public Resources Code §§ 5097.9 or 5097.993. If the information in the Confidential Record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage sensitive archaeological and historic properties of interest and value to the public. According to the California 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].)

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

Questionnaire: Application For Confidential Designation

To further support Applicant's request, we provide responses to the California Energy Commission's questionnaire regarding applications for confidential designation:

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

The document title is "Appendix 3.3, CHRIS Records Search Results". The date is March 22, 2013. The number of pages is 101. This document contains the response of the CHRIS to a request for a search of their records for previous archaeological and historic resources studies conducted and for records of previously recorded archaeological and historic properties located near the Sutter Energy Center and its appurtenant facilities. The response contains copies of several previous archaeological studies and their records of archaeological and historic properties.

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

Applicant requests confidential designation for the entire Confidential Record.

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

Applicant requests that the Confidential Record be kept confidential indefinitely to protect sensitive archaeological and historic properties. If the descriptions of the resources or locations of the sites are released to the public, there is a risk of vandalism, unauthorized artifact collecting or other degradation of significant cultural resources.

- 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.*

California Public Resources Code §§ 5097.9 and 5097.993 allow the Commission to keep the record confidential, because the Confidential Record contains sensitive information related to archaeological and historic properties. If the information in the Confidential Record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage sensitive archaeological and historic properties.

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

The public interest will be served by nondisclosure because nondisclosure will prevent vandalism, unauthorized collecting, and other degradation that could occur if the locations of the archaeological and historic properties described in the Confidential Record were disclosed. Such acts would preclude scientific study of archaeological and historic properties or other heritage resources.

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.*

Applicant requests that the Confidential Record not be disclosed even if redacted because of the risk to cultural resources of vandalism and unauthorized collecting.

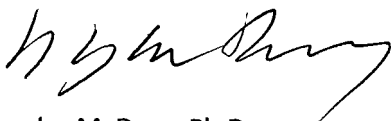
5. *State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.*

The Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, and consultants 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.

Sincerely,

CH2M HILL Engineers, Inc.



Douglas M. Davy, Ph.D.
Program Manager