

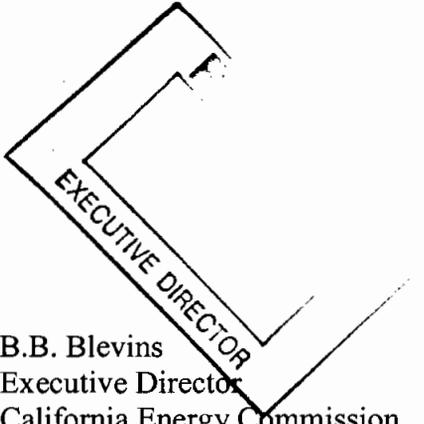
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December 20, 2006



B.B. Blevins  
Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

<b>DOCKET</b> <b>01-AFC-7</b>
DATE <b>DEC 20 2006</b>
RECD. <b>DEC 20 2006</b>

**COMPLETED**

RE: The Russell City Energy Center Project Application for Certification  
Amendment: Application for Confidential Designation

Dear Mr. Blevins:

Pursuant to Title 20 California Code of Regulations (CCR) Sections 2501 *et seq.*, Calpine Corporation and Russell City Energy Company, LLC hereby submit this "Application for Confidential Designation," for their Russell City Energy Center Project Amendment, for paleontological resources.

We are filing five copies of this request and the information it concerns with the Commission's Docket Office. Please feel free to contact me at (916) 447-2166 should you have any questions or require additional information. Thank you for your consideration of our request.

Sincerely,

  
Greggory L. Wheatland  
Attorneys for Calpine Corporation and Russell City  
Energy Company, LLC

enc.

**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**The Russell City Energy Center Project**

**Paleontological Resources**

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

Information related to paleontological resources pursuant to the California Energy Commission's regulations concerning Applications for Certification.

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). The information is exempt from disclosure under the Public Records Act pursuant to Government Code section 6254.10. The public interest in nondisclosure is that disclosure may enable location of these resources by thieves, vandals, or persons conducting unauthorized collection of materials.

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.*

Calpine Corporation and Russell City Energy Company, LLC 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.*

Calpine Corporation and Russell City Energy Company, LLC has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the Russell Energy Center Project. Moreover, this information has not been disclosed to persons employed by or working for Calpine Corporation or Russell City

Energy Company, LLC except on a "need-to-know" basis. Calpine Corporation and Russell City Energy Company, LLC is marking this information as "confidential" and is instituting a policy that it be segregated from other Russell City Energy Center files and that access to it be restricted to a designated confidential information manager within Calpine Corporation and Russell City Energy Company, 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 belief. I am authorized to make the Application and Certification on behalf of Calpine Corporation and Russell City Energy Company, LLC.*

Dated: December 20, 2006

ELLISON, SCHNEIDER & HARRIS LLP

By:   
Greggory L. Wheatland

Attorneys for Calpine Corporation and  
Russell City Energy Company, LLC

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE  
STATE OF CALIFORNIA

Amendment to the APPLICATION  
FOR CERTIFICATION OF THE  
RUSSELL ENERGY CENTER  
POWER PLANT PROJECT

Docket No. 01-AFC-7C  
PROOF OF SERVICE  
(Revised 12/13/06)

**INSTRUCTIONS:** All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

**CALIFORNIA ENERGY COMMISSION**  
Attn: Docket No. 01-AFC-7C  
1516 Ninth Street, MS-4  
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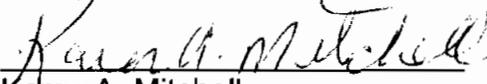
## DECLARATION OF SERVICE

**I, Karen Mitchell, declare that on December 20, 2006, I deposited copies of the attached Application for Confidential Designation and Proof of Service, in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.**

**OR**

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

  
Karen A. Mitchell