

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

November 29, 2011

DOCKET**11-AFC-2**DATE NOV 29 2011RECD. NOV 29 2011Samantha G. Pottenger
Ellison, Schneider & Harris LLP
2600 Capitol Avenue
Sacramento, CA 95816**RE: Hidden Hills Solar Electric Generating System Application for
Confidential Designation: Cultural Resources
Docket No. 11-AFC-2**

Dear Ms. Pottenger:

The California Energy Commission is in receipt of two Applications for Confidentiality submitted on behalf of Hidden Hills Solar I and II, LLC, ("Applicant"). The first Application seeks confidential designations for the following reports related to cultural resources:

- 1) Cultural Resources Technical Report Appendix 5.3B
- 2) CHRIS Literature Search Results Appendix 5.3C
- 3) Report on Known Cultural Resources Appendix 5.3E

The second Application, which is identified as a "repeated application", contains substantially similar information as found in the initial Application.

Applicant states that the reports identify the potential locations of cultural resource sites in the project area, and that:

. . .disclosure may enable location of these resources by thieves, vandals,
or persons conducting unauthorized collection of materials.

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 archaeological site information and reports. (Gov. Code, sec. 6254.10.) The Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code, sec. 6254(k).) The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be

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kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of cultural resources, such as the information that you have submitted in the above-referenced reports, is expressly in the public interest.

Therefore, both of the Applicant's Confidentiality Applications are granted in their entirety. The documents will be kept confidential for an indefinite period.

Any subsequent submittals related to cultural resources 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,

/S/

Robert P. Oglesby
Executive Director

cc: Docket Unit
Mike Monosmith, Commission Project Manager