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4305 Santa Fe Avenue, Vernon, California 90058
telephone (323) 583–8811

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Director of Community Services

SHARON L. DUCKWORTH
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February 27, 2006

DOCKET
06-AFC-1
DATE FEB 27 2006
RECD MAR 2 2006

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

Re: City of Vernon, Application for Certification – Vernon Power Plant
Application for Confidential Designation

Dear Mr. Blevins:

Pursuant to Title 20 California Code of Regulations (CCR) Section 2501 *et seq.*, the City of Vernon hereby submits the enclosed Application for Confidential Designation, in accordance with 20 CCR Section 2505 (a), for one element of its Application for Certification for its proposed Vernon Power Plant which was filed with the Commission under separate cover on this same date.

The City of Vernon is requesting confidential designation for the paleontological resources. The confidential information and documents are enclosed in sealed envelopes attached to the respective Application for Confidential Designation.

Thank you for your consideration of the City's request. Please contact me at 323 583-8811 if you have any questions or require additional information with respect to the attached Applications.

Very truly yours,

CITY OF VERNON

Eric T. Fresch.
City Attorney

BVM:rcm

APPLICATION FOR CONFIDENTIAL DESIGNATION
City of Vernon
Vernon Power Plant

Paleontological Resources

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

   A paleontological sensitivity map (Figure 8.16-2) showing the locations of paleontological resources in the vicinity of the project site.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

   This information should be kept 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, (ii) the public interest in nondisclosure of the record, and (iii) the specific nature of the competitive advantage that would be lost by disclosure of the documents, if any, including the value of the information to tile applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.*

   The Commission's regulations require that this information be submitted under a request for confidential designation. California Code of Regulations, Title 20, Chapter 5, Appendix B, section (g) (16) (D). This information is also exempt from disclosure under the Public Records Act pursuant to Government Code section 6254 (k). The public interest in nondisclosure is that disclosure may enable location of these resources by thieves, vandals, or persons conducting unauthorized collection of materials. The City's interest in seeking confidentiality for these documents is preservation of the resources rather than of any competitive advantage.

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, if not justify why it cannot.*

   The City 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.*

The City has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the VPP project. Moreover, this information has not been disclosed to persons employed by or working for the City except on a "need-to-know" basis. The City is marking this information as "CONFIDENTIAL" and is segregating it from other VPP files and restricting access to it through a designated confidential information manager within the City or its consultants.

Executed this 17th day of February, 2006, at Vernon, California,

Bruce V. Malkenhorst, Jr.
Assistant City Attorney
City of Vernon