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06-AFC-5
DATE AUG 2 2006
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APPLICATION FOR CONFIDENTIAL DESIGNATION
(20 CCR 2505)

PANOCHE ENERGY CENTER
APPLICATION FOR CERTIFICATION
(DOCKET NO. 06-AFC-5)

CULTURAL RESOURCES TECHNICAL REPORT, JULY 2006

APPLICANT: PANOCHE ENERGY CENTER, LLC

ADDRESS: 2542 SINGLETREE LANE
SOUTH JORDAN, UT 84095

801-225-2031

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AUG 3 2006
EXECUTIVE DIRECTOR

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

Panoche Energy Center Cultural Resources Technical Report, (Appendix J of 06-AFC-5) including Scientific Literature Review ,Site Records/Specimen Survey, and Historical Resources Inventory and Evaluation Report for the Panoche Energy Center power project in Fresno County, California.

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

Applicant requests that the Panoche Energy Center Cultural Resources Technical Report and Historical Resources Inventory and Evaluation Report (Appendix J of 06-AFC-5) including maps, site records and correspondence included with these documents be designated as confidential.

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

The information should be kept confidential indefinitely to protect cultural resources site locations identified in the report. If the descriptions of the location of the sites are released to the public domain, there is an unacceptable risk of looting.

3(a) State the provision(s) 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.

The site descriptions are essentially equivalent to the information maintained by the State Historical Resources Commission, which are exempted from

disclosure by sections 6254.10 and 6254(r) of the Public Records Act, respectively [Cal. Govt. Code Sections 6254.10, 6254(r)].

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

The public interest would be served by nondisclosure by preventing the unauthorized looting of the paleontological resources sites described in the report specified in response 1, above. Such looting would preclude scientific study of the worthy site to gain historical data about human use 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.

The site location descriptions cannot be masked because masking will still reveal the location of the site that is the essence of the record that requires confidential treatment.

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

The Panoche Energy Center Cultural Resources Technical Report and Historical Resources Inventory and Evaluation Report for the Panoche Energy Center have not been disclosed by the applicant to anyone other than the applicant's employees or agents and the Commission Staff. Applicant cannot certify, however that report prepared under the direction of others, e.g. URS Corporation (Appendix J of 06-AFC-5) has not been revealed to others.

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 that I am authorized to make the application and certification on behalf of the applicant.

Dated: July 31, 2006

Signed: Cindy J. Poiré

Name (print): Cindy J. Poiré

Title: Project Manager

Representing: URS Corporation