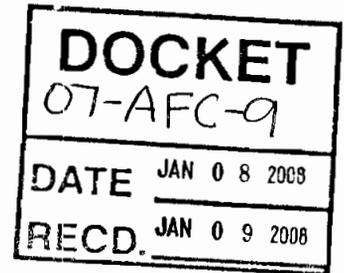


## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO CA 95814-5512

January 8, 2008

Mr. Scott A. Galati  
Galati & Blek LLP  
555 Capitol Mall, Suite 600  
Sacramento, CA 95814

RE: **Map of Fossil Localities, Confidentiality Application,  
Canyon Power Plant Project, Docket No. 07-AFC-9**

Dear Mr. Galati:

On December 21, 2007, Southern California Public Power Authority (SCPPA) filed an application for confidentiality on behalf of the Canyon Power Plant (CPP) (07-AFC-9) with the California Energy Commission. The confidentiality application seeks permanent confidentiality for AFC Appendix E3. SCPPA's confidentiality application states, in part:

Confidential Map Showing The Location of Known Fossil Localities  
In The Immediate Vicinity Of The Proposed CPP, AFC Appendix E3  
specifically identifies areas of potential paleontological significance.  
. . . The public interest will be served by nondisclosure by  
preventing looting of the paleontological resources sites described  
. . . .

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 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 kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of the resource information that SCPPA has submitted is expressly in the public interest. Therefore, SCPPA's confidentiality application is granted in its entirety, and the information will be kept confidential for an indefinite period.

Any subsequent submittals related to this type of paleontological cultural resource 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 SCPPA files a certification under penalty of perjury that the new information is substantially similar to that which is granted confidential status by this determination.

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Finally, persons may petition to inspect or copy the 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 further questions concerning this matter, please contact Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,

MELISSA JONES  
Executive Director

cc: Docket Unit  
Energy Commission Project Manager