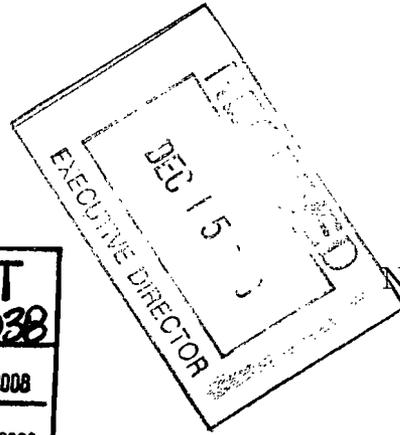


PACIFIC-ULTRAPOWER CHINESE STATION

8755 Enterprise Drive
Jamestown, CA 95327
(209) 984-4660 (208) 984-3398 FAX



November 20, 2008

DOCKET 02-REN-1038
DATE <u>NOV 20 2008</u>
RECD. <u>DEC 15 2008</u>

Executive Director
California Energy Commission
1516 9th Street MS-39
Sacramento, CA 95814-5512

Re: Deficient or Incomplete Application for Confidentiality

COMPLETED

Dear Executive Director,

Pacific-Ultrapower Chinese Station is respectfully re-submitting an Application for Confidential Designation with the following changes:

- The facility would like to redact the request for confidential designation for form CEC-1250E-2.
- The facility has revised 3(a) to include how the information we provided is a trade secret, per Section 6254.7(d) of the Public Records Act.

The facility timely filed the original Application for Confidential Designation, along with 5 copies of the application and the material. As such, the facility will not be re-submitting 5 copies of the material that was submitted with our original application.

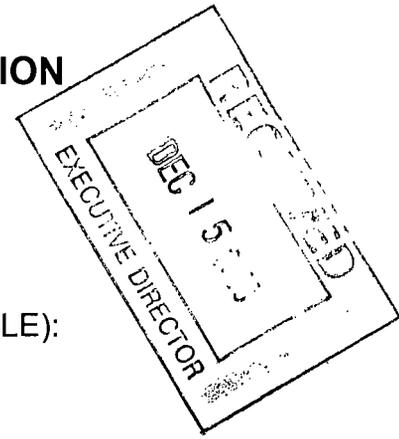
Please feel free to contact me at 209.827.2201 or Dina Del Dotto at 530.365.9767 should you have any questions or need further clarification.

Sincerely,

Mike Norris
VP, West Region Business Management
Covanta Energy

APPLICATION FOR CONFIDENTIAL DESIGNATION

(Title 20 Cal. Code. Regs., § 2505 et seq.)



TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO. (IF APPLICABLE):

02-REN-1038

APPLICANT:Pacific-Ultrapower Chinese Station

ADDRESS:8755 Enterprise Drive, Jamestown, CA 95327

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

CEC-1250E-1, CEC-1250E-3 and all supporting documentation.

- 1(b). Specify the part(s) of the information or data for which you request confidential designation.

All the documents and supporting information provided should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage.

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

This information should remain confidential for the next 10 years, because the amounts provided contain confidential market and operating information.

- 3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

The facility is making the following request for confidentiality, related to the Public Records Act, Section 6254.7 (d), which exempts trade secrets from public disclosure. The overall concept for requesting confidentiality is based on the fact that the principal trade secrets of the facility include everything relating to our production data, operating plan, marginal operating costs and fuel costs. This information is only available to certain individuals in the company. If this information was available to the public, it would give its user an opportunity to obtain a business advantage over our facility.

- 3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

If competitors had this information, they could out bid us on fuel pricing. There is a shortage of fuel in this geographic location. If the facility is unable to procure enough economical fuel the facility would be forced to curtail.

4. State whether the information or data can 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.

These estimates may be disclosed if it is aggregated with other information only. There is no masking any part of these materials and supporting descriptions that would render the information not confidential, while leaving anything of value in the information (i.e. "masking" is not a feasible approach).

5. State how the material 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.

All these documents and supporting information is kept confidential by the facility, and has never been disclosed to a person other than an employee of the facility, or to an aggregator of the information under a confidentiality agreement.

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: 11/20/08

Signed: Mike Norris

Name (print or type): Mike Norris

Title: (print or type) VP, Western Regional Business Manager

Representing: Pacific-Ultrapower Chinese Station

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.