

DOCKET
02-REN-1038

DATE OCT 21 2008

RECD. OCT 23 2008

APPLICATION FOR CONFIDENTIAL DESIGNATION

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

COMPLETED

OCT 23 2008

EXECUTIVE DIRECTOR

TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

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

DOCKET NO: 02-REN-1038

APPLICANT: COMMUNITY RENEWABLE ENERGY SERVICES, INC. DBA DINUBA ENERGY

ADDRESS: 6929 AVE 430 REEDLEY CA 93654

1(a). Title, date, and description (including number of pages) of the information or data

for which you request confidential designation. **Information or data for which you are seeking a designation of confidentiality must be included with this application.**

CRESInc. IS REQUESTING CONFIDENTIAL DESIGNATION AS OF OCTOBER 2008 OF ANY AND ALL INFORMATION RELATED TO CONTRACT TERMS BETWEEN CRESInc. AND PG&E AND REFERENCED IN OUR FUNDING ELIGIBILITY EXISTING RENEWABLE FACILITIES PROGRAM APPLICATION.

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

PLEASE HOLD CONFIDENTIAL RESPONSES TO QUESTIONS 25, 28, & 29 OF THE FUNDING ELIGIBILITY EXISTING RENEWABLE FACILITIES PROGRAM APPLICATION. WE ALSO REQUEST THAT YOU TREAT OUR CONTRACT TERMS BETWEEN CRESInc. & PG&E IN A CONFIDENTIAL MANNER

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

AS AGREED TO IN OUR PG&E CONTRACT, ALL TERMS WILL REMAIN CONFIDENTIAL UNTIL THREE YEARS AFTER THE CONTRACT HAS BEEN TERMINATED- APPROXIMATELY 28 YEARS OR 2031.

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 PG&E CONTRACT REQUIRES US TO NOT DISCLOSE THE CONTRACT TERMS UNLESS THE RECEIVING PARTY TREATS THE INFORMATION PROVIDED IN A CONFIDENTIAL MANNER FOR THE LIFE OF THE CONTRACT (28 years).

CONFIDENTIAL

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.

OUR CONTRACT WITH PG&E BINDS US TO MAINTAIN CONFIDENTIALITY OF ALL ASPECTS OF OUR CONTRACT. A BREACH OF THIS TYPE COULD RESULT IN A TERMINATION OF THE CONTRACT AT THE REQUEST OF PG&E. IN SUCH INSTANCE WE WOULD FORFEIT A SIGNIFICANT DEPOSIT AND BE FORCED TO SELL OUR ELECTRICITY ON THE OPEN MARKET. IF THIS WERE TO OCCURE IT WOULD CAUSE A SIGNIFICANT LOSS OF A COMPETITIVE ADVANTAGE AND REVENUE.

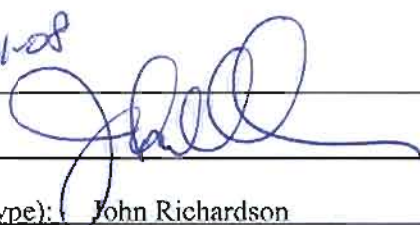
4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portion (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

IF THE INFORMATION OR DATA IS AGGREGATED AND THE IDENTITY OF FACILITIES OR ORPHAN FACILITIES ARE MASKED OR CONCEALED IT MAY BE DISCLOSED.

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.

AT THIS TIME THE CONTRACT IS ONLY AVAILABLE TO BE VIEWED BY SELECT EMPLOYEES. TO DATE THE CONTRACT TERMS HAVE ONLY BEEN SHARED WITH THE CEC.

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: 10-21-08
Signed: 
Name (print or type): John Richardson

Title: (print or type): Vice President

Representing: CRGS

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

CONFIDENTIAL