

Covanta Delano, Inc.
A Covanta Company
P.O. Box 550
31500 Pond Road
Delano, CA 93216
Tel 661 792 3067
Fax 661 792 3072

California Energy Commission
Renewable Energy Program
1516 Ninth Street, MS 45
Sacramento, CA 95814-5512

242
EXECUTIVE DIRECTOR

DOCKET
02-REN-1038

DATE OCT 23 2008
RECD. OCT 24 2008

RECEIVED 97
OCT 23 2008
EXECUTIVE DIRECTOR

COMPLETED

Ref: Docket # 02-REN-1038

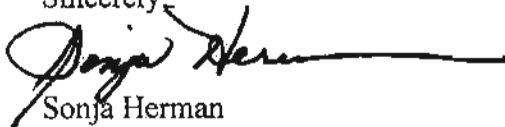
Please find enclosed the following three forms for Covanta Delano, Inc. pertaining to the ERF 2008:

1. Application for Confidential Designation.
2. Application for Funding Eligibility (CEC-1250E-1).
3. Authorized Signatures Form (CEC-1250E-3).

These forms have copied signatures per e-mail from Gerry O'Neill and our office will forward the applications with original signatures by Monday, October 26, 2008.

If you have any questions or further requests, please do not hesitate to contact me or my staff.

Sincerely,



Sonja Herman
Facility Accountant
(661) 792-3067, ext. 108



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: Covanta Delano, Inc.

ADDRESS: 31500 Pone Rd., P. O. Box 550, Delano, CA 93216

- 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.**

Application for funding eligibility exiting renewable facilities program dated October 23, 2008 and all supporting documents totaling _____ pages

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

All documents and supporting information provided in response to question 1 (a) under justification for Target prices requested including the financial statements and all contract prices and financial information. In short, anything with a numeric value could be derived.

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

The confidential contract information referenced above should remain so for the first five (5) years of the current PPA contract which expires on December 31, 2017. In short, we need confidentiality through 2012 per our contractual confidentiality obligations with various firms, not the least of which is our PPA counterparty. The financial information should remain confidential for a period of 5 years. This provides adequate time for the sensitive information to become outdated and remove any value to our suppliers and competitors.

- 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 above referenced information contain trade secrets and other disclosures that have to do with marginal operating costs. This information coupled with subsidy information could be utilized to calculate our margin al operating cost and thereby our fuel costs. Keeping fuel costs confidential is critical to the survival of the business. Information associated with contract prices must be kept confidential for a number of reasons including our contractual obligations with various counterparties to keep them confidential. Disclosure of sensitive information can put us into default with our counterparties.

- 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.

The information is not available from public sources and could not be legitimately acquired. Access to this information, as noted above, could cause damage or loss to the business. For example, certain fuel suppliers would be emboldened to disconnect their pricing from their marginal costs and move that pricing to that of our highest priced supplier or up to our average cost of fuel as the case maybe.

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.

If the information is aggregated with other information, it may be disclosed. There is no masking of this information that render it non confidential while still providing anything of value.

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.

This information is always kept confidential and has not been disclosed to anyone other than an employee of Covanta Delano, Inc. and its parent company, Covanta Energy Company and those firms with whom we have a contractual relationship with that includes obligations of confidentiality.

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: October 23, 2008

Signed: 

Name (print or type): Mike Norris

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

Representing: Covanta Delano, Inc.

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