COMPLETED

COVANTA

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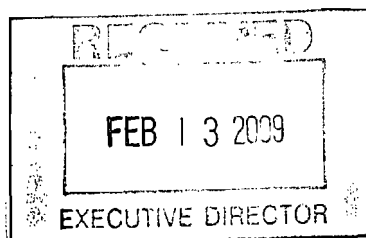Tel   661 792 3067
Fax   661 792 3072

February 11, 2009

Executive Director
California Energy Commission
1516 Ninth Street, MS 39
Sacramento, CA 95814

Ref: Docket # 02-REN-1038

Please find enclosed the following form for Covanta Delano, Inc.:

Application for Confidential Designation

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.: 02-REN-1038

APPLICANT: COVANTA DELANO, INC.

ADDRESS: P. O. BOX 550   CONFIDENTIAL
             31500 POND ROAD
             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 for which you are
        seeking a designation of confidentiality must be included with this application.**

        Application for Funding Eligibility Existing Renewable Facilities Program dated February 12, 2009
        and all supporting documents totaling 23 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 questions 1 (a) under
        justification for Target prices requested including the financial statements and all contract prices
        and financial information. In short, anything with a numberic 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 2014 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. **CONFIDENTIAL**

The facility is making the following request for confidentiality in accordance with Title 20, California Code of Regulations, Section 2505 (a)(3)(A) and California Public Records Act (Gov. Code Section 6254 (K), Evidence code section 1040). The overall concept for requesting confidentiality is based on the fact that the principal trade secrets of the facility include everything relating to our marginal operating costs and our biomass fuel costs, values that are closely related. Each Biomass plant competes for fuel and all of our competitors would like to know this information. Disclosure of this information could negatively effect our business by impacting negotiations with biomass fuel suppliers. This could have the effect of increasing our biomass fuel price that we pay to suppliers, thereby making our plant less self sufficient.

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. If there is a shortage of fuel in this geographic location and 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.

If the information is aggregated with other information, it may be disclosed. There is no masking of these materials and supporting descriptions that would render the information as non confidential while still providing anything of value (ie. "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.
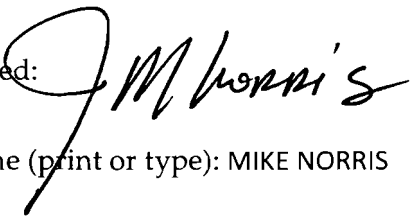
CONFIDENTIAL

All these documents and supporting 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: February 12, 2009

Signed: _M Norris_

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.