

DOCKETED

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Project Title:	Palmdale Energy Project (Formerly Palmdale Hybrid Power Plant) - Compliance
TN #:	210281
Document Title:	Palmdale Energy, LLC's Application for Confidential Designation
Description:	Confidential Emissions Offset Package
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February 10, 2016

Mr. Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Subject: Application for Confidential Designation
CONFIDENTIAL EMISSIONS OFFSET PACKAGE
Palmdale Energy Project (08-AFC-9C)

Dear Mr. Oglesby,

Palmdale Energy, LLC is the owner of the Palmdale Energy Project (PEP). Palmdale Energy, LLC requests that the attached information be designated confidential pursuant to 20 CCR Section 2505. This information is being supplied to the California Energy Commission (CEC) in response to Data Requests issued from the CEC Staff as a part of the processing of Palmdale Energy, LLC's Petition For Amendment to the Commission Final Decision.

In support of its application for confidential designation, Palmdale Energy, LLC provides the following information:

APPLICANT: Palmdale Energy, LLC

ADDRESS: 801 2nd Avenue, Suite 1150
Seattle, WA 98104

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

Palmdale Energy LLC Confidential Emissions Offset Package

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

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The entire document.

2. *State and justify the length of time the Commission should keep the record confidential.*

Palmdale Energy, LLC requests that the sources remain confidential until mutually binding contracts for all required emission reduction credits are signed.

3. *State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record. Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also 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.*

Government Code Section 6254(k) provides for the protection from disclosure of trade secrets. Under the controlling case of Uribe v. Howie (1971) 10 Cal App 3d 194, 207-208, 96 Cal Rptr 493, 500-501:

“A trade secret may consist of any formula, pattern, device or compilation of information which is used in one’s business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.” (Emphasis Added)

The information submitted is a special compilation developed by Palmdale Energy, LLC and provides Palmdale Energy, LLC with an advantage over potential competitors who have not compiled such a list (the material does not include air emissions data which is susceptible to public disclosure under Government Code Section 6254.7). In addition, disclosure of potential sources may hinder current negotiations.

4. *State whether the record may 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.*

At this time masking or aggregating the information for public disclosure would not be feasible since it would, in effect, disclose the trade secret information.

5. *State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.*

Palmdale Energy, LLC has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working in the PEP. Moreover, this information has not been disclosed to persons employed by or working for Palmdale Energy, LLC except on a "need-to-know" basis. Palmdale Energy, LLC is marking this information "Confidential" and is instituting a policy that it be segregated from other PEP files and that access to it be restricted to a designated confidential information manager within Palmdale Energy, LLC or their attorneys/consultants.

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.



Scott A. Galati
Counsel for Palmdale Energy, LLC