

APPLICATION FOR CONFIDENTIAL DESIGNATION

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

COMPLETED

CONFIDENTIAL

JAN

EXECUTIVE DIRECTOR

DOCKET
06-AFC-10

DATE DEC 20 2007

RECD. JAN 25 2007

TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

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

APPLICANT: Starwood Power-Midway, LLC

ADDRESS: 591 West Putnam Avenue, Greenwich, CT, 06830

- 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.**

Title of documents: CalPeak – Panoche, LLC & Starwood – Midway, LLC Common Interests; Organizational Structure – Panoche; and Organizational Structure – Midway. A description of the legal relationship between Starwood Power and CalPeak Power. Three (3) pages.

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

Applicant requests that all information within the three page document describing the legal relationship between Starwood Power and CalPeak Power be designated as confidential.

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

The information should be kept confidential through the end term of the agreement to protect the economic/financial trade secrets of the Applicant, land owner and Project.

- 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.

In accordance to section 6254(4)(e) of the Public Records Act, the legal relationship between CalPeak Power and Starwood Power shall be kept confidential to protect plant production data, and similar information relating to utility systems development that are obtained in confidence from any person. Economic/financial trade secrets of the Applicant, land owner, and the Project, as well as information containing trade secrets which give its user an opportunity to obtain a business advantage over competitors who do not know or use it are exempt from disclosure by sections 6254(4)(e) of the Public Records Act, respectively [Cal. Govt. Code Sections 6254(4)(e)].

- 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 material contains trade secrets and its disclosure would a cause loss of the Applicant's financial/competitive advantage. The material represents a private relationship between the two entities. Public disclosure of the material would impact the Applicant's ability to conduct business befittingly.

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.

The material cannot be masked or aggregated with other information because masking will still reveal the relationship between CalPeak Power and Starwood Power. The information must remain confidential to protect plant production data, and similar information relating to utility systems development that are obtained in confidence from any person.

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.

The relationship between CalPeak Power and Starwood Power has not been disclosed by the applicant to anyone other than the applicant's employees or agents and the Commission Staff.

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: 12/20/06

Signed: Angela Leiba

Name (print or type): Angela Leiba

Title: (print or type) Project Manager

Representing: URS Corporation

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