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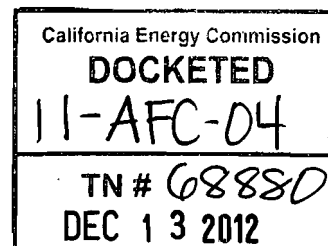
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December 13, 2012

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



Re: Rio Mesa Solar Electric Generating Facility (11-AFC-04)  
Application for Confidential Designation

Dear Mr. Oglesby:

Pursuant to Sections 2501 *et seq.*, of Title 20 of the California Code of Regulations, Rio Mesa Solar I, LLC and Rio Mesa Solar II, LLC (collectively "Applicant") hereby submits this "Application for Confidential Designation" for the California Independent System Operator Queue Cluster 3 & 4 Phase II Report for the Palo Verde Mesa Project (Rio Mesa SEGF) ("Phase II Individual Report"). The attached Phase II Individual Report focuses only on the impacts or impact contributions of the Rio Mesa SEGF. The group report, which identifies the impacts of all projects in Queue Cluster 3 & 4 (and is not confidential), was docketed separately on December 11, 2012. The enclosed Phase II Individual Report is being submitted under confidential cover on 5 CDs.

We are submitting the Application and confidential material directly to the Docket Unit. Please feel free to contact us at (916) 447-2166 should you have any questions or require additional information. Thank you for your consideration of Applicant's request.

Sincerely,

*Brian S. Biering*

Brian S. Biering

Attorneys for Applicant

enclosure

## APPLICATION FOR CONFIDENTIAL DESIGNATION

### **Rio Mesa Solar Electric Generating Facility (11-AFC-04) Rio Mesa Solar I, LLC and Rio Mesa Solar II, LLC (the "Applicant")**

1. *Specifically indicate those parts of the record which should be kept confidential.*

Applicant requests that the California Independent System Operator Queue Cluster 3 & 4 Phase II Individual Report for the Palo Verde Mesa Project (Rio Mesa SEGF) ("Phase II Individual Report") dated November 9, 2012, be kept confidential.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

The Phase II Individual Report should be kept confidential indefinitely in order to protect the information identified therein.

3. *Cite and discuss (i) the provisions of the Public Records Act or other law which allow the commission to keep the record confidential and (ii) the public interest in nondisclosure of the record.*

The Phase II Individual Report contains trade secrets related to the specific technologies employed and commercially valuable information related to Applicant's interconnection queue. The Public Records Act exempts "trade secrets" from public disclosure, including "any formula, plan, ... production data, or compilation of information..., which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service... and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it." (Govt. Code § 6254.7(d).)

The California Civil Code Section 3426.1(d) defines a "trade secret" as follows:

(d) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The Commission's regulations provide for information to be designated as confidential if it "contains a trade secret or its disclosure would otherwise cause a loss of a competitive advantage." (20 CCR § 2505(a)(1)(D)).

The Phase II Individual Report is a non-public document that includes commercially sensitive, transmission planning and cost information that fall within the definitions of "trade secret" quoted above.

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

Applicant considered whether it would be possible to aggregate or mask the information contained in the Phase II Individual Report. However, no feasible method of aggregating or masking the information could be identified that would not either disclose the information or render the information provided useless.

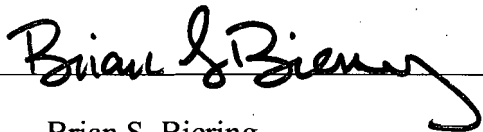
5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

Applicant has not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the project. Moreover, this information has not been disclosed to persons employed by, or working for, Applicant except on a confidential, "need-to-know" basis.

*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 belief. I am authorized to make this Application and Certification on behalf of the Applicant.*

Dated: December 13, 2012

ELLISON, SCHNEIDER & HARRIS L.L.P.

By: 

Brian S. Biering  
Attorneys for Applicant