

ORIGINAL

CONFIDENTIAL

DOCKET
09-AFC-6C
DATE OCT 14 2010
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EXECUTIVE DIRECTOR

October 14, 2010

Ms. Melissa Jones
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

COMPLETED

**Subject: Application for Confidential Designation;
Confidential Proprietary Reclamation Cost Estimate
Blythe Solar Power Project (09-AFC-6C)**

Dear Ms. Jones,

Enclosed for confidential filing with the California Energy Commission are the following materials:

1. Confidential Proprietary Reclamation Cost Estimate, dated September 24, 2010; (2 Hard Copies)
2. Confidential Proprietary Reclamation Cost Estimate, dated September 24, 2010; (2 Compact Discs)

for the Blythe Solar Energy Project (09-AFC-6C).

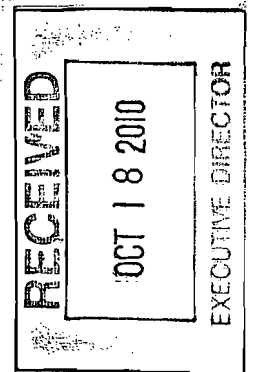
Sincerely,



Marie Mills

October 14, 2010

Ms. Melissa Jones
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814



**Subject: Request for Confidential Designation
Confidential Proprietary Reclamation Cost Estimate
Blythe Solar Power Project (09-AFC-6C)**

Dear Ms. Jones,

Solar Millennium, LLC, is an owner of the Blythe Solar Power Project (BSPP). Solar Millennium, 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 an effort to comply with Conditions of Certification contained in the BSPP Final Decision.

In support of its application for confidential designation, Solar Millennium, LLC provides the following information:

APPLICANT: Solar Millennium, LLC
ADDRESS: 1111 Broadway, 5th Floor
Oakland, CA 94607

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

Confidential Proprietary Reclamation Cost Estimate (3 pages)
September 24, 2010
Solar Millennium, LLC requests the entire document titled "Confidential Proprietary Reclamation Cost Estimate" and associated documentation be granted confidential designation.

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

The entire Confidential Proprietary Reclamation Cost Estimate document.

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

The Confidential Proprietary Reclamation Cost Estimate should be kept confidential indefinitely.

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)

Solar Millennium, LLC through, and in concert with its consultants and employees, have developed a comprehensive assessment of the costs associated with the reclamation of the BSPP. The information submitted is a special compilation developed by Solar Millennium, LLC through research and negotiation, and provides Solar Millennium, LLC with an advantage over potential competitors who have not developed such a compilation of information, costs, and pricing strategies.

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.

Masking or aggregating the information for public disclosure would not be feasible since it would, in effect, disclose the trade secret and proprietary 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.

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



David L. Wiseman
Counsel for Solar Millennium, LLC