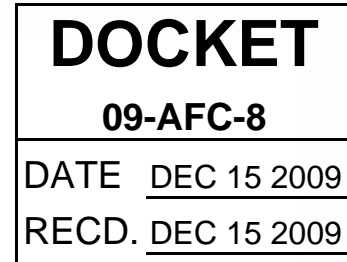
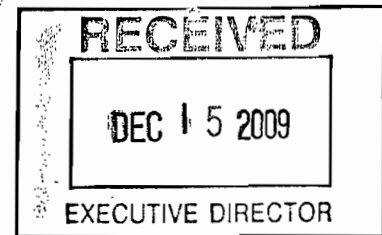


COMPLETED

December 15, 2009

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



Subject: Request for Confidential Designation
NEXTERA ENERGY RESOURCES – GENESIS SOLAR ENERGY
PROJECT COOLING STUDY (Dated, 11 August 2009)
GENESIS SOLAR ENERGY PROJECT (09-AFC-8)

Dear Ms. Jones,

Genesis Solar, LLC, a Delaware limited liability company and wholly owned subsidiary of NextEra™ Energy Resources LLC, is the owner of the GENESIS SOLAR ENERGY PROJECT (GSEP). Genesis Solar, 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) as pertinent to the application for Certification in order to facilitate environmental review by the commission staff, being titled: "NEXTERA ENERGY RESOURCES – GENESIS SOLAR ENERGY PROJECT COOLING STUDY", dated 11 August 2009.

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

APPLICANT: Genesis Solar, LLC
ADDRESS: 700 Universe Blvd.
Juno Beach, Florida 33408

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

NEXTERA ENERGY RESOURCES – GENESIS SOLAR ENERGY
PROJECT COOLING STUDY (August 11, 2009; comparative analysis of
cooling technologies; 76 pages)

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

The Study identified above in 1(a), in its entirety:

NEXTERA ENERGY RESOURCES – GENESIS SOLAR ENERGY PROJECT COOLING STUDY; including, but not limited to, the Appendices

The document in its entirety is requested for confidential designation as it identifies and details our assessment, contacts made, comparison and costs associated with the different cooling technologies.

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

The NextEra Energy Resources – Genesis Solar Energy Project Cooling Study, dated August 11, 2009, should be kept confidential indefinitely or at least until cooling selection has been confirmed and all contractual negotiations are completed in order to protect the proprietary rights and work product contained therein.

3(a). *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.*

The NextEra Energy Resources – Genesis Solar Energy Project Cooling Study, dated August 11, 2009, identifies prospective contractual obligation, assessment and proprietary data relating to cooling technologies for utility systems development. It is thus protected under Government Code Section 6254(k); and, Evidence Code Section 1060.

3(b). *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 CalApp 3d 194,207-208,96 Cal Rptr493, 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 specialized compilation developed by Genesis Solar LLC, and provides Genesis Solar LLC, with an advantage over potential competitors who have not developed such a compilation of information and its use in assessment, methods and pricing strategies for development. Disclosure may reasonably hinder applicant's economic and competitive advantage.

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.*

Genesis Solar, LLC, believes the CEC staff will require the specific information contained in the Study. At this time, applicant believes that the entire body of the study and the appendices are so interrelated that masking or aggregating the information for public disclosure would not be feasible since it would, in effect, disclose the proprietary and or 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.*

Genesis Solar LLC, has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the GSEP. Moreover, this information has not been disclosed to persons employed by or working for Genesis Solar LLC except on a "need-to-know" basis. Genesis Solar LLC is marking this information "Confidential" and is instituting a policy that it be segregated from other GSEP files and that access to it be restricted to a designated confidential information manager within Genesis Solar 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 I, attorney with the Law Firm of GalatiBlek, LLP, am authorized to make the application and certification on behalf of the applicant.



Robert Gladden
Counsel for Genesis Solar, LLC