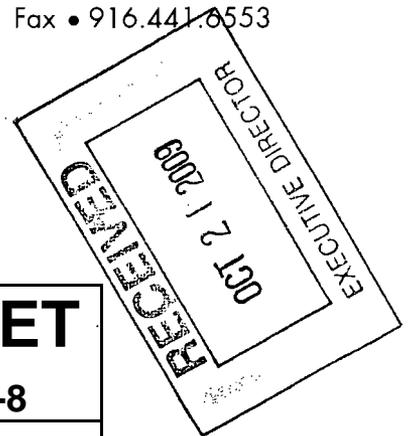


COMPLETED

October 21, 2009

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

DOCKET	
09-AFC-8	
DATE	OCT 21 2009
RECD	OCT 21 2009



**Subject: Request for Confidential Designation
Confidential Contact Information Regarding Habitat
Compensation
Genesis Solar Energy Project (09-AFC-8)**

Dear Ms. Jones,

Genesis Solar LLC, a wholly owned subsidiary of NextEra Energy Resources LLC (NextEra), 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 and in an effort to achieve data adequacy on the GSEP Application for Certification.

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.

"Confidential Cover Submittal of the Genesis Solar Energy Project"
October 16, 2009, a two page submittal.

The following documents identify and detail our contacts that have been made regarding habitat compensation and management. Genesis Solar LLC requests the entire document titled "Confidential Cover Submittal of the Genesis Solar Energy Project" and associated documentation be granted confidential designation.

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

The entire document titled "Confidential Cover Submittal of the Genesis Solar Energy Project" and associated documentation.

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

The "Confidential Cover Submittal of the Genesis Solar Energy Project" should be kept confidential until Genesis Solar LLC has concluded negotiations for all required habitat compensation for anticipated disturbance to Special Management Areas and habitat.

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 Genesis Solar LLC, and provides Genesis Solar LLC, with an advantage over potential competitors who have not developed such a compilation of information, those with the ability to assist in habitat compensation, and pricing strategies. Disclosure of potential sources of habitat compensation 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.*

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 that I am authorized to make the application and certification on behalf of the applicant.



David Wiseman
Counsel for Genesis Solar LLC