

COMPLETED



7365 Mission Gorge Road, Suite C, San Diego, CA 92120-1273

Tel: 619.229.3770

Fax: 619.229.7616

California Energy Commission
Docket Office
Attn: Docket 12-IEP-1c
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

October 31, 2012 California Energy Commission DOCKETED 12-IEP-1C
TN # 68405 NOV 07 2012

Subject: Confidentiality Application with respect to CEC Information Request for As-Built and As-Operating Project Costs

Ladies and Gentlemen:

In response to CEC information request, I'm glad to provide the enclosed As-Built and As-Operating Project Costs for CalPeak Border, CalPeak Enterprise and Starwood – Midway Power Plants, as well as the Confidentiality Application to protect the above-mentioned records and cost data. The details of the Confidentiality Application are enclosed in the following pages.

I appreciate your attention to this matter. Please let me know if I can be of any further assistance.

Sincerely,

Jesse Song
Asset Manager
CalPeak Power LLC
Starwood Power – Midway LLC
C/O Tyr Energy Inc.
7500 College Blvd, Suite 400
Overland Park, KS 66210
Email: jsong@tyrenergy.com
Phone: 913-754-5709

APPLICATION FOR CONFIDENTIAL DESIGNATION

(Cal. Code Regulations, Title 20, § 2505)

DOCKET NUMBER: (12-IEP-1c)

Applicant: Calpeak Power, LLC

Address of Applicant: 7365 Mission Gorge Road, Suite C, San Diego, CA 92120

1. (a) Title, data, and description of the record:

The As-Built and As-Operating Cost Information Request Form issued by the California Energy Commission (Energy Commission) for the Calpeak Border, Calpeak Enterprise, and Starwood-Midway Power Plants.

(Note: The record must be attached.)

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

Calpeak Power, LLC is requesting confidential designation for the following information items listed below.

(List items here)

All Items provided.

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

(Please specify and justify the time that the confidential information needs to be kept confidential.)

Up to the useful life of the plants:

Border & Enterprise – 15 years

Starwood Midway – 22 years

The plants are and will continue to be exposed to market competition for commercial PPAs, merchant contracts, market bids and etc. All items provided to CEC should be kept from competitors and counterparties within the plants' useful lives.

- 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 record confidential, and explain why the provision(s) applies to the record.**

The completed forms requested by the Energy Commission contain information that is commercially sensitive, which the applicant considers to be confidential.

(List the information/data submitted for a confidential designation and discuss why that particular piece of information/data is confidential. Each application is evaluated on a case-by-case basis. The applicant needs to justify confidentiality.)

All information and data submitted to CEC are commercial sensitive. The competitors and counterparties in the market can use those information and data to take commercial advantage of the plants.

(b) 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.

(Please add a statement about the loss of competitive advantage, and ease to which this information can be acquired and duplicated by others.)

N/A.

- 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 it is aggregated or masked, explain why.**

(Please provide statement.)

The names, locations, technology, owner, build year, construction costs, operating costs, generation data should all be masked in ways that they cannot be identified. Otherwise, the records should not be disclosed.

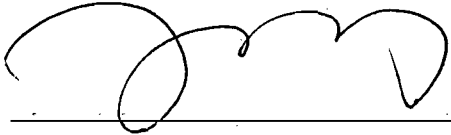
- 5. State how the record is kept confidential by the Applicant and whether it has ever been disclosed to a person other than an employee of the Applicant. If it has, explain the circumstances under which disclosure occurred.**

(Please provide statement.)

All the records are kept confidential with access to only management and owners. The records were only disclosed to external parties under Confidentiality Agreements.

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: October 31, 2012

Signed: _____

Name: Jesse Song

(Typed or Printed)

Title: Asset Manager

(Typed or Printed)