

**APPLICATION FOR CONFIDENTIAL DESIGNATION**

(Title 20 Cal. Code. Regs., § 2505 et seq.)

**COMPLETED**

TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO. (IF APPLICABLE)

**DOCKET  
06-AFC-10**

APPLICANT: Starwood Power-Midway, LLC

DATE **DEC 6 2006**

ADDRESS: 591 West Putnam Avenue, Greenwich, CT, 06830

RECD **DEC 11 2006**

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

Emission Reduction Credit Information, 2006. The applicant is negotiating to acquire Emission Reduction Credits (ERC) to satisfy the project offset requirements. 39 Pages.

- 1(b). Specify the part(s) of the information or data for which for which you request confidential designation.

Applicant requests that the ERC information including summary, Supplement C, purchase and sale agreement and all other information included with this document be designated as confidential.

- 2. State and justify the length of time the Energy Commission should keep the information or data confidential.

The information should be kept confidential through the end term of the agreement to protect the Applicant and project's economic/financial trade secrets identified in the materials. Public disclosure of the negotiated costs for NOx and VOC, and of the Applicants current negotiating to acquire PM10 and SOx Emission Reduction Credits would impact market cost and availability.

- 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 information or data confidential, and explain why the provision(s) apply to that material.

The information includes data used to calculate the costs of obtaining emissions offsets as well as records that relate to volatile organic compounds which are exempted from disclosure by sections 6254.7(f), 6254.11 of the Public Records Act, respectively [Cal. Govt. Code Sections 6254.7(f) and 6254.11].

- 3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please 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.

The material contains trade secrets and its disclosure would cause a loss of the Applicant's competitive advantage. Public disclosure of the negotiated costs for NOx and VOC, and of the Applicants current negotiating costs to acquire PM10 and SOx Emission Reduction Credits would impact market cost and availability of the purchasable ERCs.

4. State whether the information or data can 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.

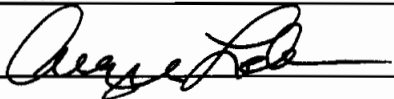
The ERC information cannot be masked or aggregated with other information because masking will still reveal the outline of the ERC purchase agreement terms as well as sensitive financial information of the ERC "seller" and the Applicant.

5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

The ERC information has not been disclosed by the applicant to anyone other than the San Joaquin Valley Unified Air Pollution Control District, the seller of the ERCs, the applicant's employees or agents and the Commission Staff. The agreement required approval from the SJVAPCD.

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: 12/6/06

Signed: 

Name (print or type): Angela Leiba

Title: (print or type) Project Manager

Representing: URS Corporation

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.