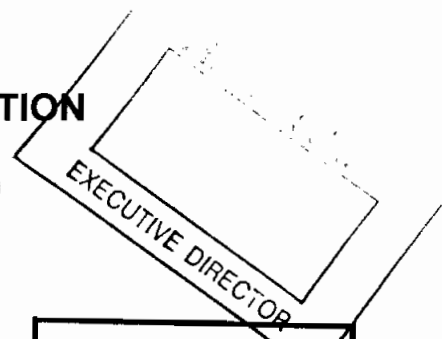


APPLICATION FOR CONFIDENTIAL DESIGNATION

(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
DATE DEC 6 2006
RECD DEC 11 2006

APPLICANT: Starwood Power-Midway, LLC

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

- 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.**

5-Plex Residential Lease Letter. November 6, 2006. The Applicant has entered into an agreement to lease the 5-plex housing unit adjacent to the Midway project site from the current landowner. 5 Pages.

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

Applicant requests that the Lease Letter agreement including agreement summary 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 economic/financial trade secrets of the Applicant, land owner and Project.

- 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 contents of real estate evaluations relative to the acquisition of property, until acquisition of the property or contract agreement is obtained, as well as information containing trade secrets which give its user an opportunity to obtain a business advantage over competitors who do not know or use it are exempt from disclosure by sections 6254(h) and 6254.7(d) of the Public Records Act, respectively [Cal. Govt. Code Sections 6254(h), 6254.7(d)].

- 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 a cause loss of the Applicant's financial/competitive advantage. The material represents a private transaction between the Applicant and the landowner. Public disclosure of the material would impact the Applicant's ability to construct the project and allow for property control.

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.

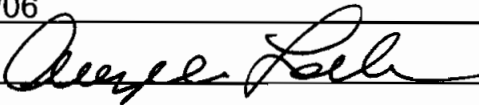
The material cannot be masked or aggregated with other information because masking will still reveal the agreement between the Applicant and the landowner. The agreement must remain confidential in order to retain the Applicants competitive advantage with other development around the project site.

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 5-Plex Residential Lease letter information has not been disclosed by the applicant to anyone other than the landowner, agents of the landowner, the applicant's employees or agents and the Commission Staff. Coordination with the landowner and landowners agents was required to prepare the agreement.

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.