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May 4, 2007

**CONFIDENTIAL  
COMPLETED**



B. B. Blevins  
Executive Director  
California Energy Commission  
1516 Ninth Street, MS-39  
Sacramento, CA 95814-5512

**RE: Application for Confidential Designation – Constellation NewEnergy, Inc.  
RPS Track Form Submission; Docket 03-RPS-1078**

Dear Mr. Blevins:

Constellation NewEnergy, Inc., (“CNE”) hereby submits this Application for Confidential Designation to protect certain information provided to the Commission in the attached RPS Track Form submission consistent with Title 20 California Code of Regulations (“CCR”) Sections 2501 *et seq.*

Please feel free to contact me at (916) 447-2166 should you or Staff have any questions or require additional information regarding this Application. Thank you for your consideration of our request.

Sincerely,

Andrew B. Brown  
Ellison, Schneider & Harris, LLP  
Attorneys for Constellation NewEnergy, Inc.

Confidential Materials in Sealed Enclosure.

<b>DOCKET</b>	
<b>03-RPS-1078</b>	
DATE	MAY 04 2007
RECD.	JUN 01 2007

CONFIDENTIAL

COMPLETED



**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**Constellation NewEnergy, Inc.**  
**RPS Track Form Submission**  
**May 4, 2007**

1. *Specifically indicate those parts of the record which should be kept confidential.*

CNE requests that the following information remain confidential:

<b>Form</b>	<b>Information to be held confidential</b>
2006 RPS Track Form	Data for annual retail sales, annual procurement, total certified renewable energy procured and specific facilities from which the energy was procured for year 2006.

Similar or identical information was previously granted confidentiality on March 5, 2007 under 06-IEP-11 for information CNE submitted in the Electricity Retail Demand Forecast Form 6 on February 2, 2007 ("March Confidentiality Determination"). Consistent with CEC confidentiality processes, CNE requests continuation of the confidentiality treatment for the information contained in this submission.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

Because (1) the information is not otherwise publicly available or readily discoverable in the form or detail provided, (2) the information is market sensitive and constitutes trade secrets in terms of supply portfolio development and risk management, and (3) release of this information will result in loss of competitive advantage in the wholesale and retail marketplaces relative to CNE's ability to negotiate future contracts for the purchase or resale of energy and/or capacity at wholesale, or negotiation of contracts with retail customers, CNE asks that the identified data be held in confidence for at least a period of three (3) years from the time of production to the Commission. This requested period of time is appropriate as the detailed data is expected to retain validity and market value over that period insofar as it can be used with other data to discern CNE's market strategies, including customer commitments, underlying risk management efforts or expectations of future market activities, and because any lesser period would undermine existing protection of the same or substantially similar data by other entities, including the California Public Utilities Commission ("CPUC") and the California Independent System Operator ("CAISO"). The public release of the specified information, particularly to competitors and potential customers, would result in a loss of competitive advantage for CNE in the wholesale and retail markets, and may result in a loss in the ability to secure supplies for its customers as well as a favorable margin or return.