

CONFIDENTIAL

COMPLETED

Executive Director  
California Energy Commission  
1516 9<sup>th</sup> Street, MS-39  
Sacramento, CA 95814

Re: Request for Confidentiality re: Docket Number 02-REN-1038

Dear Executive Director Blevins:

<b>DOCKET</b>	
<b>02-REN-1038</b>	
DATE	MAY 18 2007
RECD.	MAY 21 2007

According to Title 20, California Code of Regulations, Section 2505, Burney Mountain Power, Inc., is making the following request for confidentiality related to Docket Number 02-REN-1038, and specifically the CEC's "Additional Information Requested From Applicants for Funding Eligibility - Existing Renewable Facilities Program."

The overall concept for requesting confidentiality is based on the fact that the principal trade secrets of Burney Mountain Power, Inc., include everything relating to our marginal operating costs and our fuel costs, two values that are closely related. For biomass generation facilities, every plant competes for fuel. Our plant experiences competition with other operating biomass plants and planned or proposed new projects within the region. Both these competitors would like to know what we pay for fuel. Our plants also experiences competition from other users of the fuel feed stock, such as California Department of Transportation, the soil amendment and mulch industries and landfills for use in alternative daily cover. There are a number of approaches to determining a plant's fuel costs by competitors, including knowledge of additional generation that would be made by a certain subsidy amount, a value that is provided in the accompanying documents.

All the documents and supporting information provided in response to question 1) b) i.-iii. under "Justification for Target Prices Requested" should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, the application shall also state the specific nature of that advantage and how it would be lost, including 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.

All these documents and supporting information should remain confidential for the next 10 years, because these forms contain confidential market and operating information.

All these documents and supporting information may be disclosed if it is aggregated with other information only. There is no masking any part of these materials and supporting descriptions that would render the information not confidential, while leaving anything of value in the information (i.e. "masking" is not a feasible approach).

All these documents and supporting information is kept confidential by Burney Mountain Power, Inc., in the following manner and has never been disclosed to a person other than