

COMPLETED



October 6, 2008

DOCKET 08-AFC-8
DATE <u>OCT 06 2008</u>
RECD. <u>NOV 03 2008</u>

Ms. Melissa Jones
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: **Confidential Submittal** – Potential New Project Site
Locations for the Hydrogen Energy International, LLC,
Hydrogen Energy California Power Plant Project, Docket
08-AFC-8

Dear Ms. Jones:

Hydrogen Energy International, LLC (“Hydrogen Energy”) is the owner of the Hydrogen Energy California Power Plant Project, Docket 08-AFC-8 (“HECA”). California Energy Commission staff requested additional information about potential new project site locations for the HECA. In response, Hydrogen Energy is providing the enclosed confidential information.

Hydrogen Energy requests that the enclosed information be designated confidential pursuant to California Government Code Section 6254(k). Government Code Section 6254(k) provides for the protection from disclosure of trade secrets. Under the controlling case of Uribe v. Howie (1971) 10 Cal. App. 3d 194, 207-208:

“A trade secret may consist of any formula, pattern, device or compilation of information which is used in one’s business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.” (Emphasis Added)

The information submitted is a special compilation of information developed by Hydrogen Energy which provides it with an advantage over potential competitors who have not developed such a compilation of information.



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Furthermore, disclosure of potential project site locations may hinder current and future negotiations. Hydrogen Energy requests that this information be kept confidential for 12 months from the date you received it. This period of time is necessary to protect Hydrogen Energy's business interest and commercial negotiations.

Hydrogen Energy has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the HECA. Moreover, this information has not been disclosed to persons employed by or working for Hydrogen Energy except on a "need-to-know" basis. Hydrogen Energy has marked this information "confidential" and has instituted a policy that it be segregated from other HECA files.

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 I am authorized to make this request on behalf of Hydrogen Energy.

Thank you for your attention to this matter. Please call me if you have any questions.

A handwritten signature in blue ink that reads "Gregory D. Skannal".

Gregory D. Skannal
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Enclosures