

COVANTA

E N E R G Y

for a cleaner world

COMPLETED

Covanta Mendota L.P.

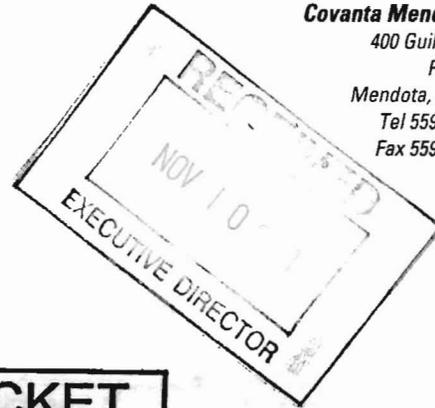
400 Guillen Pkwy

PO Box 99

Mendota, CA 93640

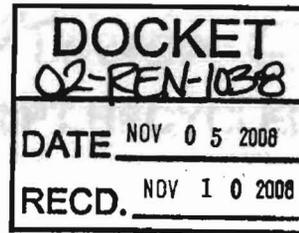
Tel 559 655 4921

Fax 559 655 4525



November 6, 2008

Executive Director
California Energy Commission
Renewable Energy Program
1516 Ninth Street MS 39
Sacramento, CA 95814-5512



Ref: Docket # 02-REN-1038

Please find enclosed five copies of the revised Application for Confidential Designation for Covanta Mendota as directed by Gary O'Neil.

If you have any questions or further requests, please do not hesitate to contact me or my staff.

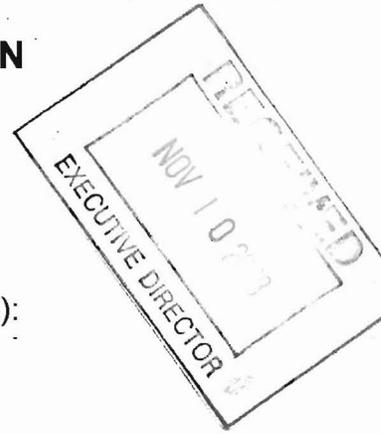
Sincerely,

Sara McNeely
Facility Accountant
(559) 655-4521



APPLICATION FOR CONFIDENTIAL DESIGNATION

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



TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO. (IF APPLICABLE):

02-REN-1038

APPLICANT: Covanta Mendota L.P.

ADDRESS: 400 Guillen Parkway Mendota, Ca 93640

- 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.**

CEC-1250E-1 Application for ERFP Funding Eligibility and all supporting attachments and materials.

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

All the documents and supporting information provided should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage

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

This information should remain confidential for the next 10 years, because the amounts provided contain confidential market and operating information.

- 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 facility is making the following request for confidentiality in accordance with Title 20, California Code of Regulations, Section 2505 (a) (3) (A) and California Public Records Act (Gov. Code Section 6254(K), Evidence code section 1040). The overall concept for requesting confidentiality is based on the fact that the principal trade secrets of the facility include everything relating to our marginal operating costs and our biomass fuel costs, values that are closely related. Each Biomass plant competes for fuel and all of our competitors would like to know this information. Disclosure of this information could negatively effect our

business by impacting negotiations with biomass fuel suppliers. This could have the effect of increasing our biomass fuel price that we pay to suppliers, thereby making our plant less self sufficient.

- 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.

If competitors had this information they could out bid us on fuel pricing. If there is a shortage of fuel in this geographic location and the facility is unable to procure enough economical fuel the facility would be forced to curtail.

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 estimates 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.

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.

All these documents and supporting information is kept confidential by the facility, and has never been disclosed to a person other than an employee of the facility, or to an aggregator of the information under a confidentiality 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: 11/05/08

Signed: _____



Name (print or type): Mike Norris

Title: (print or type) Vice President & Regional Business Manager

Representing: Covanta Mendota, L.P.

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