

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

November 17, 2008

Eric Willis
Sunray Energy, Inc.
35100 Santa Fe Street
Daggett, CA 92327

DOCKET
02-REN-1038
DATE NOV 17 2008
RECD. NOV 17 2008

RE: **Existing Renewable Facilities Application
Application for Confidentiality
Sunray Energy, Inc.
Docket No. 02-REN-1038**

Dear Mr. Willis:

On October 21, 2008, Sunray Energy, Inc. filed an Application for Confidentiality in the Docket No. 02-REN-1038.¹ The Application seeks confidentiality for information related to the Funding Eligibility Existing Renewable Facilities Program Application. Specifically, the Application seeks confidentiality for the detailed business plans, pictures of plant infrastructure, and a generation forecast for each year from the present through 2011, in order to meet the requirements of the Existing Renewable Facilities Program. Sunray requests that the information be kept confidential until 2013, which is two years after the last year of data submitted.

Sunray bases its request on Section 6254.7(d) of the Public Records Act (Gov. Code, § 6254.7(d)). That section defines "Trade Secrets" as:

any formula, plan, pattern, process, procedure, production data, or compilation of information . . . which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

Sunray states that the information provided by Sunray includes future period generation forecast data, is a compilation of proprietary information, and discusses the equipment, processes and procedures used by Sunray to produce electricity. Sunray claims that the release of this information would reveal its strategies for increasing the efficiency of its solar generating facilities, which would provide competitors with information about Sunray's processes and strategies that they do not currently possess.

¹ The application was received on October 8, 2008. However, the application was incomplete. The completed application was filed on October 21, 2008.

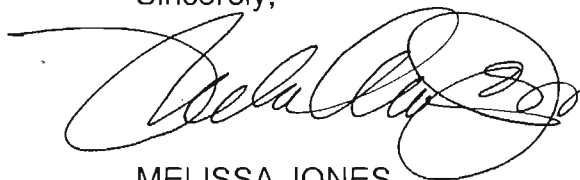
A properly filed Application for Confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "If the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [Energy] Commission to keep the record confidential." The California Public Records Act allows for the non-disclosure of trade secrets. Gov. Code, § 6254(k); Evid. Code, § 1040.

Sunray's confidentiality application makes a reasonable claim that the Public Records Act authorizes the Commission to keep the record confidential. This information is exempt from public disclosure since it constitutes a trade secret, and could harm Sunray's proprietary business interests. Gov. Code, § 6254 (k). This information will not be aggregated or masked. Accordingly, the data identified above is granted confidentiality until November 31, 2013.

Persons may petition to inspect or copy the records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. Please note that subsequently submitted information can be deemed confidential as specified in this letter without the need for a new application if you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination. California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4).

If you have any questions concerning this matter, please contact Deborah Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Jones', with a large, stylized flourish at the end.

MELISSA JONES
Executive Director

cc: Docket Unit
Jason Orta, Energy Efficiency & Renewables Division