

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

November 18, 2008

Mike Norris  
Covanta Mendota, L.P.  
400 Guillen Parkway  
Mendota, CA 93640

RE: **Existing Renewable Facilities Application**  
**Application for Confidentiality**  
**Covanta Mendota L.P.**  
**Docket No. 02-REN-1038**

<b>DOCKET</b>	
<b>02-REN-1038</b>	
<b>DATE</b>	<b>NOV 18 2008</b>
<b>RECD.</b>	<b>NOV 18 2008</b>

Dear Mr. Norris:

On November 3, 2008, Covanta Mendota filed an Application for Confidentiality for information related to the Funding Eligibility Existing Renewable Facilities Program Application (Docket No.02-REN-1038). The Application seeks confidentiality for information related to contract terms between Covanta Mendota and PG&E, including the application and all supporting attachments and materials.

You state that:

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. . . 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 fuel costs, values that are closely related. Each Biomass plant competes for fuel and all of our competitors would like to know this information.

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 regulations also require an application for confidential designation to "cite and discuss the provisions of the Public Records Act or other law that allow the Commission to keep the record confidential." California Code of Regulations, title 20, section 2505(a)(1)(D). However, your application does not reference the Public Records Act, or any other law, which would provide a basis upon which to grant confidentiality for your documents. Since your application does not discuss the provisions of law which

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would allow the Commission to grant confidentiality for your documents, I must deny your application.

Please feel free to submit a new application that discusses the laws upon which confidentiality may be granted for the records you have submitted. The information you have provided will not be available for public inspection or copying for a period of fourteen days from the date of this letter. 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 loop at the end.

MELISSA JONES  
Executive Director

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