

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

November 18 2008

John Richardson
Community Renewable Energy Services
6929 Ave 430
Reedley, CA 93654

DOCKET	
02-REN-1038	
DATE	NOV 18 2008
RECD.	NOV 18 2008

RE: **Existing Renewable Facilities Application
Application for Confidentiality
Community Renewable Energy Services
Docket No. 02-REN-1038**

Dear Mr. Richardson:

On October 23, 2008, Community Renewable Energy Services (CRES) 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 CRES and PG&E. Additionally, the Application seeks confidentiality for responses to Questions 25, 28, and 29 of the Funding Eligibility for Existing Renewable Facilities Program Application.

You state that:

Our contract with PG&E binds us to maintain confidentiality (*sic*) of all aspects of our contract. A breach of this type could result in a termination of the contract at the request of PG&E. In such instance we would forfeit (*sic*) a significant deposit and be forced to sell our electricity on the open market. If this were to occur (*sic*) it would cause a significant (*sic*) loss of a competitive advantage and revenue.

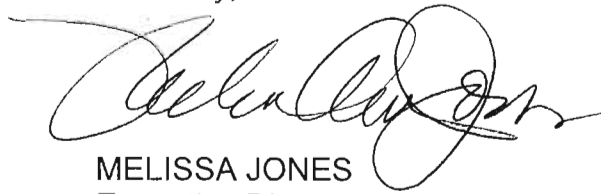
A properly filed Application for Confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "If the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [Energy] Commission to keep the record confidential."

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 makes no reference to such a law, and does not discuss the provisions of law which would allow the Commission to grant confidentiality for your documents. As such, I must deny your application.

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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 flourish at the end.

MELISSA JONES
Executive Director

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