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December 5, 2008

DOCKET	
08-AFC-11	
DATE	<u>DEC 05 2008</u>
RECD.	<u>DEC 05 2008</u>

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

Re: **Confidential Submittal - Emission Reduction Credit Acquisition Plan for CPV Vaca Station Project, Docket 08-AFC-11**

Dear Ms. Jones:

On behalf of CPV Vacaville, LLC (“CPVV”), a limited liability company, and the applicant for the above-referenced CPV Vaca Station Project (“CPVV Project”), I am providing the enclosed information regarding the confidential Emission Reduction Credit Acquisition Plan for the CPVV Project.

CPVV requests that the enclosed information be designated confidential pursuant to the Energy Commission’s siting regulations, Title 20, California Code of Regulations, section 2505 (regarding the designation of confidential records), and California Government Code section 6254(k) (providing for the protection from disclosure of trade secrets). Under the controlling case of Uribe v. Howie 19 Cal. App. 3d 194, 207 (1971):

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 developed by CPVV and provides CPVV with an advantage over potential competitors who have not developed such a compilation of information, offset holders, and offset strategies (the material does not include air pollution emissions data which is susceptible to public disclosure under Government Code Section 6254.7). In addition to the complete offset strategy, disclosure of potential sources of emissions offsets may hinder current negotiations.

CPVV requests that the entirety of the enclosed information be kept confidential indefinitely in order to ensure protection of the confidential trade secrets and to ensure that ongoing negotiations are not hampered. CPVV requests that the enclosed information not be

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disclosed even if aggregated with other information or if masked to conceal certain information in order to maintain confidentiality and to ensure that ongoing negotiations are not hampered.

CPVV has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the CPVV Project. Moreover, this information has not been disclosed to persons employed by or working for CPVV except on a “need-to-know” basis. CPVV has taken steps to keep this information confidential and to segregate it from other CPVV Project files to maintain its confidentiality.

I have been authorized to make this application and certification on behalf of CPVV. With my signature to this letter, 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.

Best regards,

/S/ MARC T. CAMPOPIANO

Marc T. Campopiano
of LATHAM & WATKINS LLP

Enclosures

cc: Andy Welch, CPV (w/o encls.)
Doug Davy, CH2MHill (w/o encls.)

**STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:)	Docket No. 08-AFC-11
)	
Application for Certification, for the CPV VACA STATION POWER PLANT PROJECT by CPV Vacaville, LLC)	ELECTRONIC PROOF OF SERVICE LIST
)	(December 5, 2008]
_____)	

Transmission via electronic mail and by depositing one original signed document and five copies with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the following:

DOCKET UNIT

CALIFORNIA ENERGY COMMISSION

Attn: DOCKET NO. 08-AFC-11
1516 Ninth Street, MS-15
Sacramento, California 95814-5512
docket@energy.state.ca.us

Transmission via electronic mail addressed to the following:

APPLICANT

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Awelch@cpv.com

APPLICANT'S CONSULTANT

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Doug.Davy@CH2M.com

CPV VACA STATION POWER PLANT PROJECT
CEC Docket No. 08-AFC-11

ENERGY COMMISSION

Rod Jones

Project Manager

RJones@energy.state.ca.us

Public Adviser

Publicadviser@energy.state.ca.us


DECLARATION OF SERVICE

I, Paul Kihm, declare that on December 5, 2008, I deposited a copy of the attached:

**LETTER FROM MARC CAMPOPIANO TO MELISSA JONES RE CONFIDENTIAL
SUBMITTAL OF EMISSION REDUCTION CREDIT ACQUISITION PLAN**

with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the California Energy Commission. I further declare that transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service List above.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 5, 2008, at Costa Mesa, California.



Paul Kihm