

COMPLETED

Community Renewable Energy Services

Dinuba Energy

P.O. Box 1063

Sun Valley, CA 91352 USA

February 10, 2009

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

Subject: Confidentiality Request



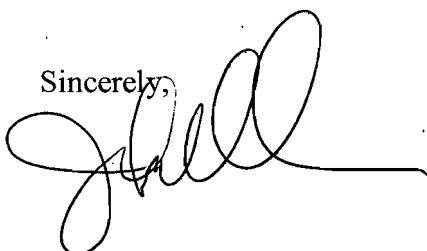
DOCKET	
02-PEN-1038	
DATE	FEB 10 2009
RECD.	FEB 13 2009

Executive Director:

Community Renewable Energy Services, Inc dba Dinuba Energy is requesting confidential designation by the CEC. Enclosed are the following:

- 1.) Original Confidentiality Designation Application
 - a. 5 copies
- 2.) Original Funding Application
 - a. 5 copies

Sincerely,



John Richardson
Vice President

APPLICATION FOR CONFIDENTIAL DESIGNATION

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

TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO.:02-REN-1038

APPLICANT: Community Renewable Energy Services, Inc dba Dinuba Energy aka CRES

ADDRESS: 6929 Avenue 430
Reedley, CA 93654

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data for which you are seeking a designation of confidentiality must be included with this application.**

CRES is requesting confidential designation, as of February 13, 2009 , for the two (2) page narrative responses given as an attachment to form CEC 1250E-1, (1/2009 FINAL). This includes responses to questions 24, 25, 26, 27, 28 and all information related to contract terms between CRES and PG&E referenced in our Funding Eligibility- Existing Renewable Facilities Program Application.

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

Please hold confidential responses to questions 24, 25, 26, 27, 28 and all information related to contract terms between CRES and PG&E referenced in our Funding Eligibility- Existing Renewable Facilities Program Application.

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

As agreed to in our PG&E contract, all terms will remain confidential until three years after the contract has been terminated- (approximately 28 years or 2031).

- 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.

Request is made that the agreement with PG&E provided herewith be held in confidence and not be subject to disclosure pursuant to the following provisions of section 6254 (K) of the California Public Records Act and Section 1040 of the Evidence Code. The PG&E agreement contains a provision requiring that we maintain the terms thereof in confidence. Therefore, public disclosure of the terms of the PG&E agreement may place us in breach of that contract. Accordingly, disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice.

The PG&E contract requires us to hold confidential the contract terms and requires the receiving party treats the information provided in a confidential manner for the life of the contract, a minimum of 28 years.

- 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.

Our contract with PG&E binds us to hold confidential 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 a significant deposit and be forced to sell our electricity on the open market. If that were to occur, it would cause a significant loss in competitive advantage and revenue.

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.

If the information or data is aggregated and the identity of the facilities, or orphan facilities, are masked or concealed, it may be disclosed.

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.

At this time, the contract is only available to be viewed by select employees. To date the contract terms have only been shared with the California Energy Commission.

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: 2/10/2009

Signed:

Name (print or type): John Richardson

Title: (print or type): Vice President

Representing: Community Renewable Energy Services Inc, dba Dinuba Energy

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