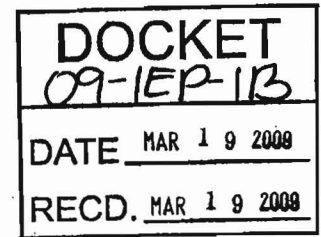


CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



March 19, 2009



Mr. Reid A. Winthrop
PilotPower Group, Inc.
8910 University Center Lane, Suite 520
San Diego, California 92122-1026

RE: Docket 09-IEP-1B Pilot Power Group Confidentiality Application and Resource Plan

Dear Mr. Winthrop,

On February 13, 2009, PilotPower Group, Inc. (PilotPower) submitted an Application For Confidentiality (Application) in the above-captioned Docket, received at the California Energy Commission on February 17, 2009. The application seeks confidentiality for certain information contained in PilotPower's Electricity Resource Plan filing submitted in connection with the 2009 *Integrated Energy Policy Report*. PilotPower is seeking to protect from public disclosure data and information on the following forms:

- Form S-1 Capacity Resource Accounting Table (CRATS) for statewide totals
- Form S-1 Monthly
- Form S-2 Energy Balance Table for statewide totals
- Form S-2 Monthly, and
- Form S-5 Bilateral Contracts for each applicable contract or aggregation of contracts

In support of its request for confidentiality, the Application from PilotPower states, in part:

"... (2) the information is market sensitive and constitutes trade secrets in terms of supply portfolio development and risk management, and (3) the release of this information will result in loss of competitive advantage in the wholesale and retail marketplaces relative to Applicant's ability to negotiate future contracts for the purchase or resale of energy and/or capacity at wholesale, or negotiation of contracts with retail customers,..."

In addition, PilotPower requests that the Energy Commission keep the information confidential:

"...for a period of at least three (3) years from the time of production to the Commission. This requested time period is appropriate as the detailed data is expected to retain validity and market value over that

period insofar as it can be used with other data to disclose Applicant's market strategies, risk management efforts, and/or expectations of future market activities ..."

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. "

PilotPower's February 13, 2009, confidentiality application makes a reasonable claim to grant confidentiality for the described S-1 and S-5 forms in their entirety, and also for the S-1 Monthly and S-2 Monthly forms in their entirety. The information contained on these forms constitutes a trade secret, and would place PilotPower at a competitive disadvantage if disclosed.

Information on the S-2 form is also granted confidentiality based on trade secret, except for the information contained on line 28 which calculates renewable energy purchases as a percent of retail sales for each year. The percentage numbers on line 28 do not disclose the amount of renewable energy procurement or retail sales. The information contained on form S-2, line 28 would not disclose any confidential load, open position, or contract information. Consequently, information contained on form S-2, line 28 does not rise to the level of a trade secret and is not granted confidentiality.

The Energy Commission may use the information submitted by the Pilot Power in publicly available reports and presentations, but without disclosing confidential information to market participants. To prevent disclosure, confidential data that may be used in reports and presentations will be aggregated with resource plan information from other load-serving entities in order to conceal the confidential specifics of Pilot Power's load forecasts, resource portfolio, or individual supply contracts.

The Energy Commission appreciates the efforts by PilotPower staff to answer technical questions related to its resource plan filing, and to provide Energy Commission staff with additional data deemed necessary to make this filing complete and adequate in accordance with the adopted forms and instructions.

Information contained on the S-1, S-2, and S-5 forms produced by Pilot Power on and subsequent to February 13, 2009, will be kept confidential until December 31, 2012.

Finally, 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. Be advised that an appeal of this decision must be filed within fourteen days from the date of my decision. The procedures and criteria for appealing any part of this decision are set forth in the California

Mr. Reid A. Winthrop

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Code of Regulations, Title 20, Section 2505. If you have any questions concerning this matter, please contact Kerry Willis, Senior Staff Counsel, at (916) 654-3967.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Jones", with a long horizontal flourish extending to the right.

MELISSA JONES
Executive Director

JW:sdf

cc: Kerry Willis, Legal Office

Jim Woodward, Electricity Analysis Office