

Community Renewable Energy Services Inc

dba Dinuba Energy

P.O. Box 1063
Sun Valley, CA 91352 USA

COMPLETED

April 1, 2009

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

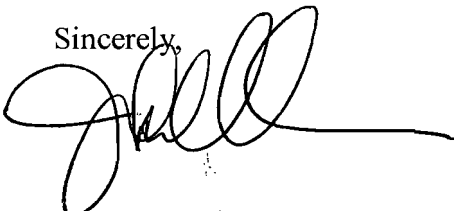
Subject: Confidentiality Request

Executive Director:

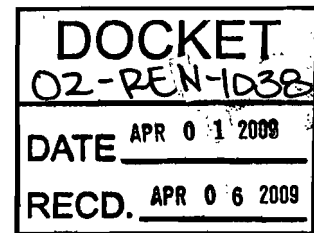
Community Renewable Energy Service Inc. is requesting confidential designation from the CEC for application years 2008 and 2009. Enclosed are the following documents to support our request:

- 1.) Original Confidentiality Designation Application Request for 2008 & 2009
 - a. 5 Copies
- 2.) Original Funding Application 2008 and requested attachments
 - a. 5 Copies
- 3.) Original Funding Application 2009 and requested attachments
 - 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 for both 2008 and 2009 annual funding applications. The information included in these documents is substantially similar. CRES is requesting both of the two (2) page narrative responses given as an attachment to form CEC 1250E-1, (1/2009 FINAL and 1/2008 FINAL) be held confidential. This includes responses to questions 23, 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 for which you request confidential designation.

Please hold confidential responses to questions 23, 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 Section 1060 of the Evidence Code, exempting trade secrets from public disclosure. Contract terms, including contract prices for energy, should be considered a trade secret because public disclosure of this information could give other businesses a competitive advantage over the facility when bidding for fuel and other services.

- 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.

If a competitor had this information, the facility could lose any competitive advantage when negotiating the price of fuel used to run the facility. The facility is located near several other biomass plants and competes with these plants and other businesses when procuring biomass fuel produced in the region. Any loss of this competitive advantage could make the facility unable to procure enough economically viable fuel which would lead to curtailment or even shutting down the plant."

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: 4/1/2009

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.