

COMPLETED

APPLICATION FOR CONFIDENTIAL DESIGNATION

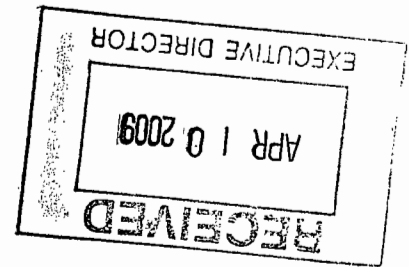
(Title 20 Cal. Code. Regs., Section 2505 et seq.)

TO: Energy Commission, Executive Director, MS-39

ENERGY COMMISSION DOCKET NO: 09-IEP-1B

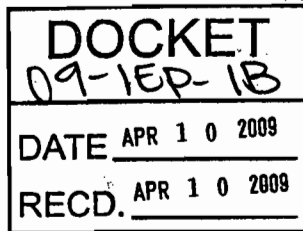
APPLICANT: City of Anaheim

ADDRESS: 201 S. Anaheim Blvd., Suite 101, Anaheim, CA 92805



SUPPLEMENTAL STATEMENTS TO THE FEBRUARY 12, 2009 APPLICATION  
CERTIFYING NON-DISCLOSURE OF CONFIDENTIAL INFORMATION:

The data requested to remain confidential is only available to City of Anaheim personnel and Anaheim approved contracted personnel. We would greatly appreciate keeping these contracts confidential for proprietary reasons.



I certify under penalty of perjury that the supplemental statements above are true, correct, and complete to the best of my knowledge and that I am authorized to provide this information on behalf of the City of Anaheim.

Dated: April 9, 2009

Signed:

Name:

Stephen J. Sciortino

Title:

Integrated Resource Manager

Representing:

Anaheim Public Utilities

# APPLICATION FOR CONFIDENTIAL DESIGNATION

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

TO: Energy Commission, Executive Director, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO. (IF APPLICABLE): Docket 09-IEP-1C

APPLICANT: City of Anaheim

ADDRESS: 201 S. Anaheim Blvd., Suite 1101, Anaheim, CA 92805

1. **Identification of the information being submitted, including title, date, size and description (including number of pages, sheets, MB) and docket number**
  - a. *2009 Integrated Energy Policy Report data request for Electricity Resource Plans, Supply Forms S-5, Tab "S-5 Confide.Bilateral Contracts" for PPM Energy, Inc., OrHeber2, Inc. and Thermo No. 1, LLC., pages 1 to 4, submitted February 13, 2009.*
  - b. *The total MB of this file (which includes non-confidential data) is less than 1MB.*
  - c. *Please see attached files labeled "Electricity Planning Form S-5, Confidential Bilateral Contracts and Power Purchase Agreements."*
2. **Description of the data for which confidentiality is being requested (for example, particular contract categories, specific narratives and time periods)**
  - a. *All information provided to the CEC in Supply Forms S-5 Tab "S-5 Confide.Bilateral Contracts" for PPM Energy, Inc., OrHeber2, Inc. and Thermo No. 1, LLC.*
    - i. *All of the data listed in Form S-5, Tab "S-5 Confide.Bilateral Contracts" for the above listed contracts is deemed confidential per our terms and agreements with the counter-party.*
3. **A clear description of the length of time for which confidentiality is being sought, with an appropriate justification, for each confidential data category request**
  - a. *Two years after the expiration dates of the contracts. PPM Energy Inc.'s contracts expire on June 30, 2023 and June 30, 2026. OrHeber2, Inc.'s contract expires on December 31, 2031. Thermo No. 1 LLC's contract expires on March 1, 2029.*
  - b. *The contracts included in this request allow for the delivery of renewable energy and renewable energy attributes. Disclosure of the requested information without a request for confidentiality may place Anaheim in violation of the terms and conditions of its agreements and potentially jeopardize its renewable energy goals.*
4. **Applicable provisions of the California Public records Act (Code, § 6250 et seq.) and/or other laws, for each confidential data category request**
  - a. *California Code of Regulations, Title 20 section 2505(b) Other Public Entities. When another state or local agency possesses information pertinent to the responsibilities of the Commission that has been designated by that agency as*

*confidential under the Public Records Act, or the Freedom of Information Act, the Commission, the Executive Director, or the Chief Counsel may request and the agency submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.*

*b. The three supply contracts that the commission has requested information regarding contain confidentiality provisions that apply to the entire agreements.*

**5. A statement attesting that a) the specific records to be withheld from public disclosure are exempt under provisions of the Government Code, or b) the public interest in non-disclosure of these particular facts clearly outweighs the public interest in disclosure**

*a. Per #4 above, the specific records to be withheld from public disclosure are exempt under provisions of the Government Code of Regulations, Title 20 section 2505(b).*

*b. The contracts included in this request allow for the delivery of renewable energy and renewable energy attributes. Disclosure of the requested information without a request for confidentiality may place Anaheim in violation of the terms and conditions of its agreements and potentially jeopardize its renewable energy goals.*

**6. A statement that describes how each category of confidential data may be aggregated with other data for public disclosure**

*a. The information may be disclosed if it is aggregated with other information to a degree that it conceals the specifics of the individual supply contracts.*

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: 2/12/09

Signed: 

Name: Marcie L. Edwards

Title: General Manager, Anaheim Public Utilities

Representing: Anaheim Public Utilities