

## CALIFORNIA ENERGY COMMISSION

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



June 23, 2009

Andrew Brown  
Constellation NewEnergy  
2600 CAPITOL AVENUE, SUITE 400  
SACRAMENTO, CALIFORNIA 95816

RE: Deficient or Incomplete Application for Confidentiality  
Electricity Resource Plan ( 09-IEP-1B)

<b>DOCKET</b>	
<b>09-IEP-1B</b>	
DATE	JUN 23 2009
RECD.	JUN 23 2009

Dear Mr. Brown,

On June 22, 2009, Constellation NewEnergy submitted materials to the California Energy Commission for confidential designation. Pursuant to California Code of Regulations, an entity seeking confidentiality for certain materials needs to submit an application for confidentiality. (Cal. Code Regs., tit. 20, § 2505 et seq.) We have identified the application and/or materials submitted as deficient<sup>1</sup> or incomplete for the reason[s] listed below:

- ☐ The submitted application and/or supporting materials do not have an identifiable and/or complete docket number typed or printed on the materials. (Cal. Code Regs., title 20, § 1209(b)(2))
- ☒ The materials, for which confidentiality is sought, have not been submitted with the application. (Cal. Code Regs., title 20, § 2505(a)(1)(A))
- ☐ We have received materials labeled as confidential, but there is no accompanying application for confidentiality. (Cal. Code Regs., title 20, § 2505(a)(1)(A))
- ☐ The application for confidentiality has not been signed by an authorized representative of your company, and/or does not include the certification as required by regulation. (Cal. Code Regs., title 20, § 2505(a)(1)(G))
- ☐ We have not received the required number of copies of the confidential material. Either one original and twelve paper copies or one original and one electronic copy are required. However, if you are submitting paper copies, we will accept five copies for confidential filings. (Cal. Code Regs., title 20, § 1209(c))
- ☐ The data submitted with your application for confidentiality is inconsistent with the data identified in your application. Please make sure that the data is clearly identified and labeled. (Cal. Code Regs., title 20, § 2505(a)(1)(B))

Once the deficiencies identified above have been corrected, please return the completed application for confidentiality to the Energy Commission's Executive Director. Be advised that the record[s] for which confidentiality is requested shall not be disclosed for 14 days from the date of this letter. If you have any questions concerning this matter, please contact Deborah Dyer, Senior Staff Counsel, at (916) 654-4873.

Sincerely,  
(Signature in Dockets)

KIM VAN VORST  
Siting/Dockets Supervisor

<sup>1</sup> A deficient or incomplete application shall be returned to the applicant with a statement of its defects. The record or records for which confidentiality was requested shall not be disclosed for fourteen days after return of the application to allow a new application to be submitted except as provided in Section 2507 of this Article. (Cal. Code Regs., title 20, § 2505(a)(2))

cc: Legal Office  
Project Manager

**ELLISON, SCHNEIDER & HARRIS L.L.P.**

CHRISTOPHER T. ELLISON  
ANNE J. SCHNEIDER  
JEFFERY D. HARRIS  
DOUGLAS K. KERNER  
ROBERT E. DONLAN  
ANDREW B. BROWN  
GREGGORY L. WHEATLAND  
CHRISTOPHER M. SANDERS  
LYNN M. HAUG  
PETER J. KIEL

ATTORNEYS AT LAW  
2600 CAPITOL AVENUE, SUITE 400  
SACRAMENTO, CALIFORNIA 95816  
TELEPHONE (916) 447-2166 FAX (916) 447-3512

ELIZABETH P. EWENS, OF COUNSEL  
BRIAN S. BIERING  
TERESA W. CHAN  
SHANE E. CONWAY  
JEDEDIAH J. GIBSON  
JEREMY D. GOLDBERG  
CHASE B. KAPPEL

June 22, 2009

**CONFIDENTIAL AND SUBJECT TO PROTECTION**

Mr. Jim Woodward  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

**Re: Constellation NewEnergy, Inc. Supply Resource Plan Revision**

Dear Mr. Woodward:

At your request, Constellation NewEnergy, Inc. ("CNE") has reviewed its March 31, 2009 Resource Supply Plan submission and now submits the attached revised materials to replace the original submission. The attached, revised, confidential data changes the load forecast from one developed based upon the best available data of multi-year forward commercial commitments (as was available at the time of submission) to one that projects loads assuming certain customer retention and renewal levels and assuming the continued suspension of the direct access market, consistent with your request for such revisions. This revised Resource Supply Plan reflects CNE's "likely expectations" of its business within the parameters required by the form and instructions. Please replace the prior submission with the attached materials; our prior request for confidential treatment of the data remains applicable.

The data submitted here is provided for the purposes of the CEC's Integrated Energy Policy Report forecast work only, and CNE is not presenting this data as representative of its existing or forecast commercial operations.

If you have any further questions please do not hesitate to contact me.

Very truly yours,



Andrew B. Brown  
Ellison, Schneider & Harris, L.L.P.  
Attorneys for Constellation NewEnergy, Inc.

Encl.: Confidential Revised CNE Resource Supply Plan