

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)

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

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 deficient¹ 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

¹ 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