

## CALIFORNIA ENERGY COMMISSION

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



August 18, 2009

Jeff Spray  
Geothermal Expandables  
12755 Ashford Hills Dr  
Houston, TX 77077

RE: Deficient or Incomplete Application for Confidentiality  
Geothermal Expandables

**DOCKET****09-GEO-1**

DATE AUG 18 2009

RECD AUG 18 2009

Dear Mr. Spray

On August 17, 2009, Geothermal Expandables 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))

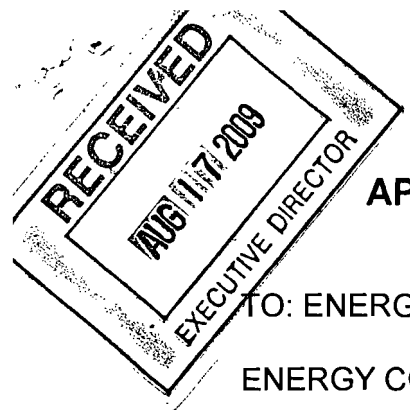
Once the deficiencies identified above have been corrected, please return the completed application for confidentiality to the Energy Commission's Executive Director. Be advised that the record[s] for which confidentiality is requested shall not be disclosed for 14 days from the date of this letter.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

Sincerely,

KIM VAN VORST  
Siting / Docket 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



## APPLICATION FOR CONFIDENTIAL DESIGNATION

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

TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO.: GEO-07-03

APPLICANT: GEOTHERMAL EXPANDABLES, LLC, a California Limited Liability Company

ADDRESS: 12755 Ashford Hills Drive, Houston TX 77077

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation.

**CFEX SELF EXPANDING TUBULAR TECHNOLOGY – QUARTERLY PROGRESS REPORT – SECOND QUARTER 2009. Dated 7/15/2009.**

**Description is self-explanatory per title.21 of 38 pages contain confidential information.**

- 1(b). Specify the part(s) of the information or data for which for which you request confidential designation.

**Page 6, par 3, line 3; P6, Table-1, par 1; P7, lines 4-17, 25-33; Pages 8-10; P11 Fig-4, Item c.9; Drawings on pages 13 – 22; P25 par 2; P27 lines 1-4; P37 last four bullets; and, P38 lines 3-5.**

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

**Ten (10) years.**

- 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.

**Sec. 6254.13, which exempts from public disclosure corporate proprietary information including trade secrets, and Section 6255(a), obligating a public agency to justify withholding any record that is exempt under express provisions of the Public Records Act.**

- 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.

**The reports required from Application by the Energy Commission contained highly proprietary information and trade secrets that have**

been developed by Applicant at great expense over a number of years. The public disclosure of such information would destroy Applicant's competitive advantage over other potential developers of the "expandable tubulars" technology that Applicant has invented and/or refined in its business for purpose of exploitation in oil, gas, water, steam and other extraction efforts.

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.

**Such information cannot be disclosed in any manner without causing such damage to Applicant. There are so few companies and individuals engaged in the "expandable tubulars" industry that no "masking" would likely hide the fact that it is the Applicant that has prepared the reports required of it by the Energy Commission and/or that such reports deal with Applicant's proprietary technology.**

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.

**Applicant has consistently maintained all such proprietary information in strict confidence and secrecy. To the limited extent that third parties have been afforded access to any portion of its proprietary technological information, they have always been required first to executed Applicant's standard "Non-Disclosure Agreement".**

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: 7/13/09

GEOTHERMAL EXPANDABLES LLC

Signed: [Signature]

Name (print or type): Jeff Broy

Title: (print or type) President

Representing: Geothermal Expandables, LLC

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.