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 ORIGINAL

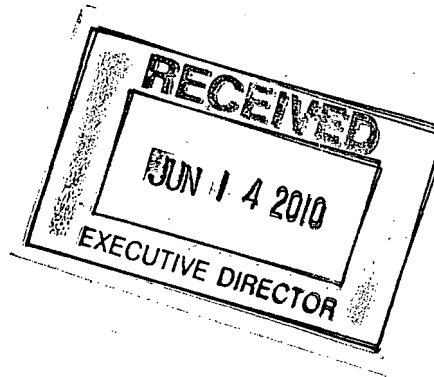
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045049-0001

DOCKET 08-AFC-8	
DATE	JUN 11 2010
RECD.	JUN 14 2010

June 11, 2010



**VIA FEDERAL EXPRESS**

Ms. Melissa Jones  
Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

COMPLETED

Re: **Application for Confidential Designation –  
Hydrogen Energy California Power Plant (08-AFC-8)  
Response to California Energy Commission Workshop Request No. 1**

Dear Ms. Jones:

Hydrogen Energy International, LLC (“Applicant”) has proposed the Hydrogen Energy California Power Plant (08-AFC-8). In support of the Applicant’s response to California Energy Commission Workshop Request No. 1, the Applicant has prepared a compact disc (CD) containing “GIS Shapefiles for the CO2 Linear and Landowner Information” (the “Submitted Record”).

The Applicant requests that the Submitted Record be automatically designated as confidential pursuant to Title 20, California Code of Regulations, Section 2505(a)(5). In accordance with the Energy Commission’s regulation, the Submitted Record has been marked as confidential and contains the specific location (latitude and longitude) of project-related CO2 facilities, and this information has not been previously released to the public. (See Title 20, California Code of Regulations, Sections 2505(a)(5)(A) & (B)(7).) Release of this information would create a potential security and public safety risk.

According to the Energy Commission’s regulations, an application for confidential designation “shall be granted if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential.” (Title 20, California Code of Regulations, Section 2505(a)(3)(A).) The Applicant believes this

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letter establishes a reasonable claim for confidentiality based on the applicability of Title 20, California Code of Regulations, Section 2505(a)(5).

The Applicant requests that the entirety of the Submitted Record be kept confidential indefinitely, and that the Submitted Record not be disclosed even if aggregated with other information or redacted to conceal certain information to avoid a potential security and public safety risk. The Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, consultants, others working as part of the project application before the Energy Commission, or others with a specific need for the information. This information has not been disclosed by the Applicant except on a "need-to-know" basis.

I have been authorized to make this application and certification on behalf of the Applicant. With my signature to this letter, 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.

Very truly yours,



Michael J. Carroll  
of LATHAM & WATKINS LLP

cc: Gregory Skannal, Hydrogen Energy International, LLC  
Asteghik Khajetoorians, Hydrogen Energy International, LLC  
Dale Shileikis, URS Corporation

**STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:

) Docket No. 08-AFC-08  
)

APPLICATION FOR CERTIFICATION,  
FOR THE HYDROGEN ENERGY  
CALIFORNIA PROJECT BY HYDROGEN  
ENERGY INTERNATIONAL, LLC  

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) **PROOF OF SERVICE**  
)

) (May 10, 2010)  
)  
)  
)

**APPLICANT**

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HYDROGEN ENERGY CALIFORNIA PROJECT  
CEC Docket No. 08-AFC-08

INTERESTED AGENCIES

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e-mail preferred

INTERVENORS

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Vice Chairman and Presiding Member

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HYDROGEN ENERGY CALIFORNIA PROJECT  
CEC Docket No. 08-AFC-08

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**DECLARATION OF SERVICE**

I, Paul Kihm, declare that on June 11, 2010, I served and filed copies of the attached:

**LETTERS FROM MICHAEL CARROLL TO MELISSA JONES REGARDING  
APPLICATION FOR CONFIDENTIAL DESIGNATION – RESPONSE TO CEC  
WORKSHOP REQUEST NO. 1**

to all parties identified on the Proof of Service List above in the following manner:

**California Energy Commission (with confidential submittal)**

- Transmission by depositing the original plus five copies with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:


**Ms. Melissa Jones**  
Executive Director  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street  
Sacramento, California 95814

**For Service to All Other Parties (without Confidential Submittal)**

- Transmission via electronic mail to all email addresses on the Proof of Service list; and
- by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via electronic mail and U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 11, 2010, at Costa Mesa, California.

  
Paul Kihm