

CALIFORNIA ENERGY COMMISSION

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



February 16, 2011

Michael Carroll  
LATHAM & WATKINS LLP  
650 Town Center Drive, 20<sup>th</sup> Floor  
Costa Mesa, California 92626-1925

RE: Deficient or Incomplete Application for Confidentiality  
Hydrogen Energy California Power Plant (08-AFC-8)

*HB*

<b>DOCKET</b> <i>08-AFC-8</i>
DATE <i>02-16-11</i>
RECD. <i>02-2-11</i>

Dear Mr. M. Carroll

On February 9<sup>th</sup>, 2011, Hydrogen Energy California Power Plant 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 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))
- 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; (Section 231 is listed in the information submitted, but not in the Application for Confidentiality)(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 Jared Babula, Staff Counsel, at (916) 651-1462.

Sincerely,

KIMBERLY VAN VORST  
Office Services Supervisor II

cc: Legal Office  
Project Manager