

COMPLETED

PHILIPS

November 30, 2012

Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

California Energy Commission
DOCKETED
12-BSTD-03
TN # 68922
DEC 18 2012

**Re: Application for Designation of Confidential Records on Docket Number 12-BSTD-03-
"California Quality Light Emitting Diode (LED) Lamp Specification"**

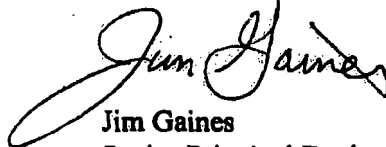
Dear Mr. Oglesby:

Pursuant to Sections 2501 et seq., of Title 20 of the California Code Regulation, Philips Electronics North America Corporation ("Philips") hereby submits this "Application for Confidential Designation" for the attached confidential data concerning price/performance and user studies.

Philips understands that in the event CEC determines that the attached information is not confidential, CEC will return the information to Philips without any disclosure to the public.

Please feel free to contact me at (781) 418-9292 or Philips attorney Michelle Perez at (732) 563-3404, if you have any questions or require additional information. Thank for your consideration of Philips request.

Very truly yours,



Jim Gaines
Senior Principal Engineer

Enclosure: Application for Confidential Designation
Confidential Data: *Philips submission in response to the "California Quality Light Emitting Diode (LED) Lamp Specification": Price/performance and user studies*

Cc: Michelle Perez, Esq.

Philips Lighting
Three Burlington Woods Drive
Burlington, MA 01803 USA

APPLICATION FOR CONFIDENTIAL DESIGNATION

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

TO: Energy Commission Docket Unit.

Docket Number 12-BSTD-03- "California Quality Light Emitting Diode (LED) Lamp Specification"

APPLICANT: Philips Electronics North America Corporation, a Delaware corporation ("Philips"), makes the following Request for Designation of Confidential Records.

ADDRESS: 1050 K Street, N.W., Suite 900, Washington, DC 20001

- 1(a). *Title, date, and description (including number of pages) of the information or data for which you request confidential designation. Information or data seeking a designation of confidentiality must be included with this application.*

The document is *Philips submission in response to the "California Quality Light Emitting Diode (LED) Lamp Specification"* (*Price/performance and user studies* (the "Philips Document") and is undated.

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

Philips requests that California Energy Commission ("CEC") maintain the entire Philips Document as confidential.

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

The Philips document should be kept *confidential indefinitely* in order to protect the proprietary and confidential information contained therein.

- 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.*

The California Public Records Act, Gov't Code §6254.7(d), specifically states that trade secrets are not public records and, therefore, are exempt from disclosure. The Act defines "trade secrets" to include, without limitation, "any formula, plan, ... procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it."

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.*

Philips diligently protects its trade secret information and does not disclose proprietary cost, pricing or sales data, or confidential marketing studies to any third party unless such third party has executed and delivered to Philips an appropriate 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: November 30, 2012

Philips Electronics North America Corporation

By: 
Jim Gaines
Senior Principal Design Engineer