

Energy - Docket Optical System

From: Tran, Muoi-Lynn@Energy
Sent: Thursday, May 22, 2014 3:17 PM
To: Babula, Jared@Energy
Cc: Energy - Docket Optical System
Subject: RE: Application for Confidentiality PIR-12-019

California Energy Commission

DOCKETED

14-PIR-01

TN 73041

MAY 21 2014

Raquel - Please open a new docket number "14-PIR-01" for Sun Synchrony application for confidentiality and create a distribution list also include Jared, Chester, and Patricia "Patty" Paul in addition to Jared's email.

Jared - What are we going to do with the earlier application for confidentiality filed on April 28, 2014?

Thanks,
Muoi

From: Babula, Jared@Energy
Sent: Thursday, May 22, 2014 3:08 PM
To: Tran, Muoi-Lynn@Energy
Cc: Energy - Docket Optical System
Subject: RE: Application for Confidentiality PIR-12-019

14-PIR-01 sounds good. The distribution list can be

Jessica Zhang
Crystal Presley-Willis
Aleecia Gutierrez

Thanks

From: Tran, Muoi-Lynn@Energy
Sent: Thursday, May 22, 2014 2:30 PM
To: Babula, Jared@Energy
Cc: Energy - Docket Optical System
Subject: RE: Application for Confidentiality PIR-12-019

Hi Jared,

Any suggestion for creating a new docket number "14-PIR-01??" for Sun Synchrony application for confidentiality. Who should be on the distribution list? Please let docket staff know so they can process the application.

Thank you,
Muoi

From: Babula, Jared@Energy
Sent: Wednesday, May 21, 2014 2:57 PM
To: Rodriguez, Raquel@Energy
Cc: Tran, Muoi-Lynn@Energy
Subject: RE: Application for Confidentiality PIR-12-019

PIR-12-019 is not a docket number but the number of the grant that Sun Synchrony received. They are filing a document that is required as part of the contract associated with the grant. I doubt there is a docket number because any prior

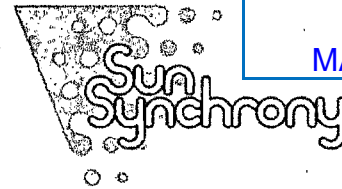
DOCKETED

14-PIR-01

TN 73041

MAY 21 2014

Sun Synchrony
527 La Jolla Street
Vallejo, CA 94591
Telephone: (707) 980-7502
Email: info@sunsynchrony.com



May 19, 2014

Mr. Jared Babula
Senior Staff Counsel
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Re: Application for Confidential Designation
Demo Prototype Specifications CD

Dear Mr. Babula:

Pursuant to Title 20 California Code of Regulations (CCR) Sections 2501 *et seq.*, Sun Synchrony (the "Applicant") hereby submits this "Application for Confidential Designation" for the "Demo Prototype Specifications CD" which is one of the Products due under the grant CEC-PIR-12-019.

Enclosed is the Application for Confidential Designation, and five (5) copies of the Confidential Record in the form of compact disks.

I request that the present submission replace the "Demo Prototype CD" submission mailed to the Energy Commission's Director on April 28, 2014. The Confidential Record in the present submission was changed slightly from that in the first submission in order to clarify the scope of the material included within the Confidential Record. As you were in the process of reviewing the first submission, I have included in this package a sheet describing the changes made in the present submission.

Please feel free to contact me at (707) 980-7502 should you have any questions or require additional information. Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Hoffman".

James T. Hoffman
President and CEO
j.hoffman@sunsynchrony.com

enc.

Demo Prototype Specifications CD: Change Notes

The enclosed "Demo Prototype Specifications CD" (the "Confidential Record") Dated May 16, 2014, is intended to replace the earlier submission "Demo Prototype CD" Dated April 28, 2014. The present submission contains an Application document based on a more detailed template than that of the earlier submission, and the Confidential Record has been updated to clarify the scope of the material for which confidential designation is sought.

Following is a summary of changes made to the Confidential Record since the earlier submission:

- The portion of the Record entitled "Supporting Documents" and files listed thereunder have been removed.
- Additional material, was added to portions of the Record having the following relative URLs:
 - [Prototype/Construction/Receivers/index.html](#)
 - [Prototype/Construction/Receivers/Evaluation/index.html](#)
 - [Prototype/Construction/Reflectors/index.html](#)
 - [Prototype/Construction/Reflectors/Evaluation/index.html](#)
 - [Prototype/Construction/Enclosure/index.html](#)
 - [Prototype/Construction/Mount/index.html](#)
- Minor changes, primarily in the form of spelling corrections and added hyperlinks, were made to a number of pages throughout the Record.

APPLICATION FOR CONFIDENTIAL DESIGNATION

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

An application to keep a record confidential should be submitted directly to the **Docket Unit** in paper form or on electronic media, but not by email. Five (5) copies of the record for which confidentiality is sought must be submitted, on separate media if electronic, each marked with the title of the record and "confidential." (§ 1209.5, subd. (a)(4).) The application should be on a sheet separate from, but may be attached to, the record. The application will then be acted upon by the Executive Director in consultation with the Chief Counsel of the Energy Commission. (§ 2505, subd. (a).) (November 30, 2011, Standing Order.)

Applications and associated documents related to power plant licensing proceedings must be uploaded directly to Dockets through the e-filing system. Paper copies or CDs do not need to be submitted. Links to the e-filing system are provided on each siting project's Commission webpage.

TO: Energy Commission Docket Unit

Applicant: Sun Synchrony

Address: 527 La Jolla Street, Vallejo, CA, 94591

Phone and E-mail: 707 980 7502; j.hoffman@sunsynchrony.com

Proceeding or Project Name: Breakthrough Power Density for Rooftop PV Applications

Docket Number: PIR-12-019

- 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.**

Applicant requests that the "Demo Prototype Specifications CD", or "Confidential Record" dated May 16, 2014, be kept confidential. The Confidential Record is a collection of technical information, recorded on a compact disk and accessible with a web browser, that includes specifications, drawings, models, instructions, methods, performance data, and product descriptions and development plans relating its advanced concentrating PV module. The Confidential Record comprises 56 pages of descriptive material in HTML, and engineering documents listed on those pages, including 55 engineering drawings as PDF files, 27 3-D models as STEP files, and 13 profile patterns as DWG files.

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

Applicant requests confidential designation of the entire Confidential Record.

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

Applicant requests that the Confidential Record be kept confidential for a period of five (5) years. The Demo Prototype Specifications CD contains technical information regarding the Applicant's advanced PV module which offers distinct features not found on competitive products. Given the highly competitive solar PV module market, the advanced features of Applicant's module has considerable economic value for Applicant which could be lost if competitors had the data. Applicant invested significant time and money in developing the technology disclosed on the CD, which, although easily duplicated if revealed, involves non-

obvious inventions that are unlikely to be developed by others lacking this information. Maintenance of confidentiality over this period of time is necessary to allow the Applicant to develop and prosecute patent applications covering trade secrets contained in the Confidential Record, where disclosure of such trade secrets prior to the filing of such patent applications would tend to invalidate any patents issuing therefrom.

- 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. (See next page.)

The Public Records Act exempts "trade secrets" from public disclosure, including "any formula, plan, pattern, process, tool, mechanism, compound, 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." (Govt. Code § 6254.7(d).)

The California Civil Code Section 3426.1 (d) defines a "trade secret" as follows:

- (d) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:
- (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
 - (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The Commission's regulations provide for information to be designated as confidential if it "contains a trade secret or its disclosure would otherwise cause a loss of a competitive advantage." (20 CCR § 2505(a)(l)(D)).

- 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 material contains trade secrets about the Applicant's innovative concentrating PV module and supporting technologies. Possession of the material by a competitor could enable it to replicate the module and undermine Applicant's ability to successfully commercialize the technology. It is unlikely that the material could be legitimately acquired by others given its novelty – Applicant has been awarded patents covering portions of the technology – and the care taken by Applicant to safeguard its trade secrets.

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.


The Applicant considered whether it would be possible to aggregate or mask the information. However, no feasible method of aggregating or masking the information could be identified that would not either disclose the information or render the information provided useless.

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 not disclosed any of the subject information to anyone other than its employees, attorneys and consultants working on the project. Moreover, this information has not been disclosed to persons employed by, or working for, Applicant except on a confidential, "need-to-know" basis.

I certify under penalty of perjury under the laws of the State of California 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: May 16, 2014

Signed: 

Name (print or type): James T. Hoffman

Title: (print or type) President

Representing: Sun Synchrony

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