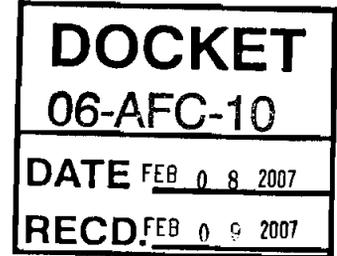


## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

February 8, 2007

Angela Leiba  
Starwood Power-Midway, LLC  
591 West Putnam Avenue  
Greenwich, CT 06830RE: Application for Confidentiality: Socioeconomic Data,  
Starwood Power-Midway Project,  
Docket No. 06-AFC-10

Dear Ms. Leiba:

On January 25, 2007, the Starwood Power-Midway (Starwood) project filed an application for the confidential designation of Socioeconomic Data, Data Request 16, as part of the above referenced Application for Certification (AFC) with the California Energy Commission (Energy Commission). Your application states, in part:

Applicant requests that the quantitative estimate of the potential impact of tax revenues from the construction and operation of the project be designated as confidential. . . . The information should be kept confidential through the end term of the agreement to protect the economic/financial trade secrets of the Applicant and Project. . . . In accordance with section 6253.9(i) any disclosure regarding taxpayer information in connection with the collection of local taxes received would result in an unfair competitive disadvantage to the applicant.

The California Public Records Act allows for non-disclosure of trade secrets. (Gov. Code, § 6254(k), Evid. Code, § 1060.) The California Courts have traditionally used the following definition of trade secret:

a trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. . . .

(*Uribe v. Howie* (1971) 19 Cal.App.3d 194, 207-208, 96 Cal.Rptr. 493, 500-501, from the Restatement of Torts, vol. 4, sec. 757, comment b, p. 5.)

Your application for confidentiality does not make a reasonable argument under the Energy Commission's regulations for classifying the socioeconomic data that you have submitted as a trade secret. (Cal. Code Regs., tit. 20, § 2505.) Therefore, I must deny your request for confidentiality.

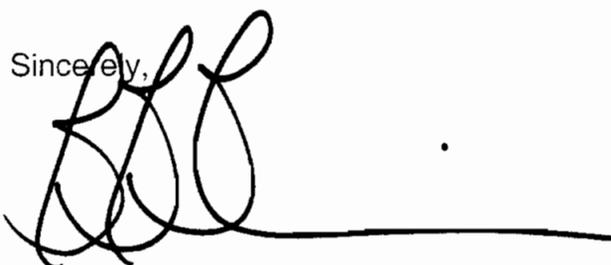
Specifically, Starwood cites Government Code section 6253.9(i) as the basis in law to keep the submitted information as confidential. A review of the Government Code

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confirms that such a citation does not exist. In addition, the estimated payment of local tax information for which you seek confidentiality was previously provided as part of your AFC, a public document. Therefore, this information cannot be designated as confidential. Finally, the other information for which you seek confidentiality consists of estimated values. Such information does not rise to the level of trade secret nor would it provide a competitive advantages to rivals if made public.

The procedures and criteria for appealing this decision are set forth in the California Code of Regulations, title 20, section 2505. Be advised that an appeal of this decision must be filed within 14 days from my decision. If you have any further questions regarding this decision, please contact Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,



B. B. BLEVINS  
Executive Director

cc: Project Manager, 06-AFC-10  
Docket Unit