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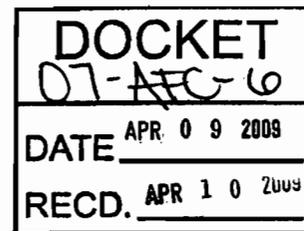
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April 9, 2009

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VIA PERSONAL DELIVERY

Ms. Melissa Jones, Executive Director
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814



**Re: Carlsbad Energy Center Project (07-AFC-6)
Application for Designation of Confidential Record**

Dear Ms. Jones:

Carlsbad Energy Center LLC (the "Applicant") submits this Application for Designation of Confidential Record ("Application") with respect to the attached information pertaining to the Carlsbad Energy Center Project ("CECP"). Through this letter, Applicant requests confidential designation of a record under Title 20, California Code of Regulations, section 2505. Applicant understands that, pursuant to Title 20, California Code of Regulations, sections 2505(a)(2) and 2505 (a)(3)(B), the attached information will not be publicly disclosed while this Application, or any appeal of the California Energy Commission's ("CEC") determination on the Application, remains pending.

Applicant provides the following in support of this Application:

(a) Description/Separation of the Confidential Records

The information identified as "Enclosure A" and marked "Confidential" (hereinafter "Submitted Information") is the subject of this Application and submitted under seal. The Submitted Information contains confidential information related to Applicant's strategy and plans to secure Emission Reductions Credits ("ERCs").

(b) Specific Indication of Those Parts of the Record to be Kept Confidential

Applicant requests the Commission designate the Submitted Information as confidential in its entirety.



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(c) The Length of Time the Record Should be Kept Confidential

Due to the proprietary nature of the Submitted Information, Applicant requests the Submitted Information be kept confidential in perpetuity.

(d) Provisions of Law Allowing the Commission to Keep the Documentation Confidential

Government Code section 6255 of the California Public Records Act permits public agencies to withhold any public record where the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. This provision allows the CEC to keep the Submitted Information confidential. The CEC should give the Submitted Information confidential treatment pursuant to section 6255 because public interest is best served in this case by keeping information related to Applicant's negotiation strategies regarding ERCs confidential due to the competitive nature of the market. The release of such information could hinder the process by which companies negotiate within the ERC market.

In addition, Applicant is bound by contract to maintain the confidentiality of the Submitted Information unless written consent is given by parties identified in the Submitted Information. To that end, Applicant obtained written consent from all involved parties to present the Submitted Information to the CEC under confidential cover.

(e) Aggregation and Masking of the Confidential Information

The Submitted Information has been distilled from the broader business strategy that Applicant has developed for the Project and represents the maximum extent to which the information can be aggregated and masked.

(f) The Submitted Information is Presently Confidential

Applicant has not disclosed the Submitted Information to anyone other than its employees, affiliate employees, consultants, and attorneys assisting Applicant in its efforts to related to the pending Application for Certification (07-AFC-6). Furthermore, Applicant has not released any of the Submitted Information to any member of the general public and has prohibited its employees, affiliate employees, consultants, and attorneys from releasing to the public any portion of the Submitted Information at any time.



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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. As attorney for Carlsbad Energy Center LLC, I am authorized to make this certification and submit this Application on behalf of the Applicant.

Dated: April 9, 2009

Stoel Rives LLP

By:

Allison D. Cook

Attachment A