

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Suedeem G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Aero Energy, LLC

Docket No. TX06-2-002

NOTIFICATION AND OPPORTUNITY TO COMMENT

(Issued January 12, 2007)

1. Pursuant to the Federal Energy Regulatory Commission's (Commission) regulations, 18 C.F.R. § 388.112(d) (2006), the Commission hereby notifies Caithness Sagebrush 20 (Caithness) that the Commission is considering release of documents that may be considered privileged or confidential. Specifically, on September 13, 2006, Caithness filed information regarding wind development plans that it says will necessitate additional firm transmission capacity across the Sagebrush Line. Caithness requested confidential treatment of the information contained in its filing because it said the information is sensitive commercial and financial information that is privileged or confidential and not publicly available. Caithness did not provide a proposed protective order. Aero Energy, LLC (Aero Energy) first responded on September 20, 2006, requesting that a protective order be issued that would allow it access to the information while protecting the information from public disclosure. Caithness responded on September 26, 2006, arguing that it filed this information confidentially because of the sensitivity of project negotiations and because of being bound by confidentiality agreements. Aero Energy reiterated its request for a protective order in supplemental comments on October 4, 2006.

2. Our regulations at 18 C.F.R. § 388.112(d) require that whenever the Commission is considering release of a document for which privileged treatment has been requested, the Commission must notify the person who submitted the document and give that person an opportunity to comment in writing on release of the information. Therefore, this notice provides Caithness with notice of Aero Energy's request and an opportunity to comment within seven calendar days of the date of this notice on release of the information. Caithness is advised that, although the request was made by Aero Energy, if the Commission adopts a protective order, the information may be made available to

other parties in the proceeding upon execution of an appropriate protective order. In its comments, Caithness is invited to elaborate on why it believes this information is protected from disclosure under the Freedom of Information Act, 5 U.S.C. § 552, and on release under the proposed protective order, including any modifications that Caithness recommends to the protective order. The Commission may construe a non-response as evidence that Caithness does not object to the Commission releasing the information. The proposed protective order is attached.

The Commission orders that Caithness provide any comments within seven calendar days.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.