Department of Energy
Washington, DC 20585

JUN 10 2009

Ms. Dorothy M. Juchnewicz
Husch Blackwell Sanders LLP
750 17th Street, NW #1000
Washington, DC 20006

Dear Ms. Juchnewicz:

Re: FOIA-2009-000251

This letter is in response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, on April 7, 2009 (FOIA-2009-000251). You requested "Solyndra, Inc.'s Application for a Loan Guarantee under Title XVII of the Energy Policy Act of 2005". In follow-up phone calls with you concerning this request, you revised your requirements and requested the following documents:

1) Solyndra Transmittal Letter
2) Table of Contents from the Solyndra Application
3) Solyndra Application Form

Your request was assigned to the Office of the Chief Financial Officer (CF) to conduct a search of our files for responsive documents. A search of the files of the CF's Loan Guarantee Program Office (LGPO) for documents responsive to your request produced three documents. Information is being withheld from two of those documents pursuant to exemptions 4 and 6 of the FOIA. 5. U.S.C. § 552(b)(4) and 5. U.S.C. § 552(b)(6).

Exemption 4 of the FOIA prohibits the disclosure of "trade secrets and commercial or financial information obtained from a person [which] is privileged or confidential." 5. U.S.C. § 552(b)(4) and 10 C.F.R § 1004.10 (b)(4). Information that is required to be submitted by a person is "confidential" for purposes of Exemption 4 if disclosure is likely to either: (1) impair the Government's ability to obtain necessary information in the future or (2) cause substantial harm to the competitive position of the person from whom the information was obtained. Portions deleted from the documents enclosed contain "commercial" or "financial" information that relates to business activities. Such information would give competitors an advantage in the future by providing insight on resources available to the submitter and the method used to respond to a solicitation. The release of confidential client information would also cause substantial harm to the firm's competitive position. For these reasons the information is being withheld.

Exemption 6 controls the disclosure of "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy". 5. U.S.C. § 552(b)(6) and 10 C.F.R § 1004.10 (b)(6). The individuals named in these

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documents have a significant privacy interest in preventing the disclosure of their personal contact information in order to be free from unwanted solicitations. This information is not relative to the operations of the agency or the federal government, the core purpose for which the FOIA was enacted. As no public interest relative to the core purpose of the FOIA would be served by the disclosure of such personal information and because there is a viable privacy interest which would be threatened by such disclosure, this material is being withheld pursuant to Exemption 6.

Pursuant to 10 C.F.R §1004.7(b)(2), I am the individual responsible for the determination to withhold information in the documents under the FOIA.

Pursuant to 10 C.F.R §1004.8, you may challenge the determination to withhold information from the responsive documents by submitting a written appeal to the Director, Office of Hearings and Appeals, L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615. You should submit the appeal within thirty (30) calendar days of receipt of this determination.

The written appeal, including the envelope, must clearly indicate that a Freedom of Information Act appeal is being made. The appeal must contain all the elements required by 10 C.F.R. § 1004.8 to the extent applicable. Judicial review will thereafter be available to you (1) in the District of Columbia, (2) in the district where you reside, (3) in the district where you have your principal place of business, or (4) in the district where the DOE records are located.

I appreciate the opportunity to assist you with this matter. If you have any questions, please contact Ms. Jayne Faith of my staff at (202) 586-2983.

Sincerely,

David G. Frantz
Director

Enclosures

Department of Energy
Loan Guarantee Program (LGP)
Document Index
FOIA 2009-000251

Application to: United States Department of Energy Federal Loan Guarantees for Nuclear Power Facilities. Solicitation Number: DE-PS01-06LG00001 Under Title XVII. Submitted by Solyndra, Inc.

1. Solyndra Transmittal Form.

Withhold in part exemption (b)(6), document contains personal contact information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. 1 pages.

2. Solyndra Application Form.

Withhold in part exemption (b)(4), document contains confidential financial information, the disclosure of which would cause substantial harm to the competitive position of the submitter. 7 pages.

Withhold in part exemption (b)(6), document contains personal contact information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. 7 pages.

*** = Redacted Text

John Scott

From: John Scott
Sent: Wednesday, May 07, 2008 12:40 AM
To: 'Miller, Bill'; Tobin, Daniel
Cc: Kelly Truman
Subject: Initial Submission Documents - Part I
Attachments: Solyndra 1013 Sections A, B, C, D, E, F, G.zip

Bill & Dan:

I am very pleased to submit the attached documents to DOE as Solyndra's initial application for a loan guarantee.

You will find a zip file containing each of the Sections A through G attached to this email. In the interest of not overloading DOE's email system, I will send another email with a zip file containing the Financial Projections file and the application Exhibits. Please respond with an email confirmation of your receipt of the initial application documents.

The zip files will require a password to open; I will provide the password to each of you by voicemail.

The same password is to be used to open the Financial Projections Excel file. Please be aware that you may need to activate two Excel Add-Ins to view the Financial Projections file. To do so, in Excel click on Tools, then Ad-Ins. Check the boxes for Analysis Toolpak and Analysis Toolpak VBA. Then open the Financial Projections file.

I understand that DOE requires submissions to be made electronically to DOE's online portal; however, per my earlier email the functionality to upload documents was not presented on the portal today. With your assistance, I can quickly upload the documents when this issue is resolved.

At Solyndra we are enthusiastically looking forward to working with DOE during your due diligence process. Thank you very much for your attention.

Regards,
John

****

John Scott
VP - Business Development
SOLYNDRA, INC.
47700 Kato Road
Fremont, CA 94538
(b)(6) Direct: ***
(b)(6) Cell: ***
(b)(6) eFax: ***

DOE SOLICITATION DE-PS01-06LG00001 UNDER TITLE XVII

PROJECT: Solyndra Fab 2

LOCATION OF APPLICATION INFORMATION SUBMITTED UNDER 10 CFR PART 609

Final Rule[1] 609.6(b)	Section	Submitted Yes / No	Location in Application
	A: Background Information		
1	1. Application Form	Yes	A1
29	2. Project Name	Yes	A2
4, 6	3. Project Eligibility	Yes	A3
22, 29	4. State and Local Support	Yes	A4
13, 29	5. Project Participants	Yes	A5
29	6. Contact Information	Yes	A6
3	7. Material Changes From Pre-Application	Yes	A7
	B: Project Description		
5	1. Overview	Yes	B1
5	2. Implementation Schedule	Yes	B2
5	3. Location	Yes	B3
5	4. Technology	Yes	B4
7	5. Cost	Yes	B5
29	6. Construction Risks/Mitigation Strategies	Yes	B6
14, 18	7. Material Reports	Yes	B7
22	8. Status of Approvals	Yes	B8
	C: Technical Information		
8	1. Engineering & Construction Plans	Yes	C1
9	2. Operating & Maintenance Plans	Yes	C2
11	3. Decommissioning Plan	Yes	C3
22	4. Permits and Approvals	Yes	C4
19	5. Engineer's Report	Yes	C5
23	6. Environmental Report	Yes	C6
	D: Business Plan		
16, 25	1. Financial Analysis	Yes	D1
12	2. Market Analysis	Yes	D2
29	3. Sponsor Involvement	Yes	D3
14, 8	4. Contractual Arrangements	Yes	D4
10	5. Management Plan	Yes	D5
29	6. Operational Risks/Mitigation Strategies	Yes	D6
28	7. Applicant Statement	Yes	D7
29	8. Progress Reports	Not App.	Due after guarantee approved
	E: Financing Plan		
13	1. Sources of Funds	Yes	E1
13	2. Letter(s) of Intent	Yes	E2
15	3. Closing Checklist	Yes	E3
13	4. Info. On Other Borrowed Funds	Yes	E4
24	5. Collateral	Yes	E5
21	6. Preliminary Credit Assessment	Yes	E6
26	7. Eligible Lender or Holder Statement	Yes	E7

[1] *Numbers in this column refer to paragraph numbers of information required to be submitted as per Part 609.6(b) and (c).*

Final Rule[2]	Section	Submitted Yes / No	Location in Application
609.6(b)			
	F: Applicant Information		
29	1. Background and Legal Structure	Yes	F1
29	2. Legal Authority	Yes	F2
29	3. Organization	Yes	F3
29	4. Prior Experience	Yes	F4
17	5. Financial Statements	Yes	F5
20	6. Credit History	Yes	F6
29	7. Litigation and/or Conflicts	Yes	F7
29	**G: Applicant Certifications**	Yes	G
27	1. Cross Reference Checklist	Yes	This document.
2	1. Payment of Application Fee	Yes	Fee wired to DOE on May 5, 2008
609.6(c)	1. Authorized Signature	Yes	On Application.

Solyndra, Inc.
Company

Authorized Signature

Wilbur G. Stover, Jr.
Printed Name

Chief Financial Officer
Title

August 29, 2008
Date

[2] *Numbers in this column refer to paragraph numbers of information required to be submitted as per Part 609.6(b) and (c).*

The following contains proprietary information that Solyndra, Inc. requests not be released to persons outside the Government, except for purposes of review and evaluation.

DOE FORM NO.: 540.2
EFFECTIVE DATE: 03/08

FORM APPROVED
OMB NO. 1910-5134
EXPIRATION DATE: 03/11

U.S. Department of Energy Loan Guarantee for Projects that Employ Innovative Technologies

This form is for use of Applicants seeking a U.S. Department of Energy Loan Guarantee pursuant to Title XVII of the Energy Policy Act of 2005, Public Law 109-58 (22 USC 16511, et seq.) and is governed by 10 CFR Part 609. After completing this form, please print two copies. Next, click on the "Submit by Email" button above to submit this data electronically. Select "Other" to save this data in an electronic format. Email this file to the Loan Guarantee Program Office at lgprogram@hq.doe.gov. Upload supporting documentation using DOE's Industry Interactive Procurement System (https://e-center.doe.gov) and submit two hard copies to the address below. It is highly recommended that all hard copies be sent via Express Mail. For more information, please visit our website at http://www.lgprogram.energy.gov.

Mail All Paper Copies to:
Director
U.S. DOE Loan Guarantee Program Office
1000 Independence Ave, SW
Washington, DC 20585-0121

If you need assistance or have any questions please contact the Loan Guarantee Program Office at (202) 586-8336 or email us at lgprogram@hq.doe.gov.

In reference to DOE Solicitation No. DE-PS01-06LG00001
Invitation No. 1013

GENERAL INFORMATION

Organization Name		Federal Tax ID or Social Security No.
Solyndra, Inc.		***
Contact Last Name	**First Name**	**Position/Title**
Scott	John	Vice President-Business Development & Financial Engineering
Phone Number		**Fax Number**
***		***
Address		
47700 Kato Road		
City	**State**	**9 Digit Zip Code**
Fremont	CA	94538-7307
Email	**DUNS Number**	**NAIC Number**
john.scott@solyndra.com	610713286	334413
Project Location – City	**State**	**9 Digit Zip Code**
Fremont	CA	94538-7307

(b)(6)

(b)(6)

PROJECT SPONSORS (ASSET HOLDERS) WITH EQUITY OF 5 PERCENT OR MORE

Organization Name		Federal Tax ID or Social Security No.
Solyndra, Inc.		[redacted]
Contact Last Name	**First Name**	**Position/Title**
Stover	Bill	Vice President & Chief Financial Officer
Phone Number		**Fax Number**
***		***
Address		
47700 Kato Road		
City	**State**	**9 Digit Zip Code**
Fremont	CA	94538-7307

(b)(4)

(b)(6)

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Organization Name | **Federal Tax ID or Social Security No.**
NA

Contact Last Name | **First Name** | **Position/Title**

Phone Number | **Fax Number**

Address

City | **State** | **9 Digit Zip Code**

Organization Name | **Federal Tax ID or Social Security No.**
NA

Contact Last Name | **First Name** | **Position/Title**

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SUMMARY OF LOAN GUARANTEE REQUEST

Requested Period of Guarantee	***	Total Project Costs*	***
Equity*	***	Proposed Guaranteed Amount*	***
Debt*	***	Requested Loan Guarantee to Debt Instrument	***
Debt to Equity Ratio	***	Requested Loan Guarantee to Total Project Costs	***

(b)(4)
(b)(4)
(b)(4)
(b)(4)

* Please indicate dollars in millions

CATEGORY OF PROJECT

Category	Description	Check Box
1	Renewable Energy Systems	X
2	Advanced Fossil Energy Technology (including coal gasification meeting the criteria in paragraph 1703 (d) of EPAct 2005	
3	Hydrogen fuel cell technology for residential, industrial or transportation applications	
4	Advanced nuclear energy facilities	
5	Carbon capture and sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon	
6	Efficient electrical generation, transmission and distribution technologies	X
7	Efficient end-use energy technologies	
8	Production facilities for fuel efficient vehicles including hybrid and advanced diesel vehicles	
9	Pollution control equipment	
10	Refineries, meaning facilities at which crude oil is refined into gasoline	

PROTECTION OF INFORMATION

Title XVII of the Energy Policy Act of 2005 authorizes the collection of this information. The primary use of this information is by the Loan Guarantee Program Office of the Department of Energy in their review of applications for loan guarantees under Title XVII. Additional disclosures of this information may be made as required by law. Where the information provided is a social security number, the provision of the information is voluntary but failure to disclose may result in disapproval of the application.

The information collected will be afforded the protections required by the Freedom of Information Act (5 U.S.C. 552) and all applicable law.

Patentable ideas, trade secrets, proprietary, or confidential commercial or financial information, disclosure of which may harm the applicant, should be included in an Application only when such information is necessary to convey an understanding of the proposed project. The use and disclosure of such data may be restricted, provided the applicant specifically identifies and marks such data in accordance with the following provisions:

1. Applicant hereby discloses that (fill in the blank below in this Application Form with the specific Application Sections containing proprietary data):

> "Sections ___ of this Application contain data which have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes; provided that, if this applicant is issued a loan guarantee under Title XVII of the Energy Policy Act of 2005 as a result of or in connection

with the submission of this Application, DOE shall have the right to use or disclose the data herein, other than such data that have been properly reasserted as being trade secret or proprietary in the loan guarantee agreement. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the applicant."

2. Include the following legend on the first or cover page of each document or electronic file submitted that contains such data (be sure to specify the page numbers from such document or electronic file that contains the proprietary data):

"The data contained in pages _____ of this document or electronic file which hereby forms a part of the Application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes; provided that, if this applicant is issued a loan guarantee under Title XVII of the Energy Policy Act of 2005 as a result of or in connection with the submission of this Application, DOE shall have the right to use or disclose the data herein, other than such data that have been properly reasserted as being trade secret or proprietary in the loan guarantee agreement. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the applicant."

3. Include the following legend on each page of a document or electronic file containing such data (a) as a header on the page or (b) to specifically identify and mark each line or paragraph on the page containing such data:

"The following contains proprietary information that (name of applicant) requests not be released to persons outside the Government, except for purposes of review and evaluation."

BURDEN DISCLOSURE STATEMENT

This data is being collected to support applications for loan guarantees from the Department of Energy under Title XVII of the Energy Policy Act of 2005 (22 USC 16511, *et seq.*). The data you supply will be used for the review of business and credit risks relating to projects which qualify for loan guarantees under Title XVII.

Public reporting burden for this collection of information is estimated to average 10.36 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of the Chief Information Officer, Records Management Division, IM-23, U.S. Department of Energy, 1000 Independence Ave SW, Washington, DC, 20585-1290; and to the Office of Management and Budget, OIRA, Washington, DC 20503.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Submission of this data is required to obtain a guarantee of the repayment of principal and interest on loans relating to projects that qualify for such guarantees under Title XVII of the Energy Policy Act of 2005 (22 USC 16511, *et seq.*).

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CERTIFICATION

The undersigned certifies that the data and information submitted and the representations made in this Application and any attachments to this Application are true and correct, to the best of the Applicant's knowledge and belief after due diligence, and that the Applicant has not omitted any material facts.

The undersigned further certifies to having full authority to bind the Applicant.

Applicant (Organization Name)	
Solyndra, Inc.	
Name of Applicant's Authorized Officer *(will fulfill on-line certification)*	Title
Christian M. Gronet	CEO
Signature of authorized officer *(for paper copy only)*	Date
Chris Gronet	May 6, 2008