

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Joint Petition to Determine )  
Need For the Gainesville Renewable )  
Energy Center in Alachua County ) DOCKET NO. 090451-EM  
By Gainesville Regional Utilities )  
and Gainesville Renewable Energy ) FILED: March 1, 2010  
Center, LLC. )  
\_\_\_\_\_ )

GAINESVILLE REGIONAL UTILITIES AND  
GAINESVILLE RENEWABLE ENERGY CENTER, LLC'S  
NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

Gainesville Regional Utilities ("GRU") and Gainesville Renewable Energy Center, LLC ("GREC LLC"), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), hereby submit their Notice of Intent to Request Confidential Classification of certain information provided in the response to POD No. 16 in the Staff's Fourth Request for Production of Documents ("Staff POD No. 16"), and also certain information contained in response to Staff's Interrogatory No. 102.

Response to Production Request No. 16

GREC LLC's Confidential Information. The documents provided in response to Staff POD No. 16 include the confidential proposal

COM \_\_\_\_\_ submitted by GREC LLC's predecessor, Nacogdoches Power, LLC, in  
APA \_\_\_\_\_  
ECR \_\_\_\_\_ response to GRU's RFP process through which GRU selected the  
GCL   1   Gainesville Renewable Energy Center as its best and most cost-  
RAD   1    
SSC \_\_\_\_\_ effective alternative to meet its needs for reliable renewable  
ADM \_\_\_\_\_  
OPC \_\_\_\_\_  
CLK   1  

This docketed notice of intent was filed with Confidential Document No. 01388-10. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

DOCUMENT NUMBER-DATE

01388 MAR-10

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energy. This proposal contains proprietary confidential business information relating to GREC LLC's competitive interests, the disclosure of which would harm GREC LLC's competitive business interests. Therefore, GREC LLC requests that the Commission afford the information provided to Staff POD No. 16 confidential classification.

Confidential Information of Other Proposers. GRU will also submit, to the extent legally possible and as soon as practicable, confidential, highlighted copies of the proposals submitted by Covanta Energy and Sterling Planet, Inc., in response to the RFP. GRU, as the recipient of the binding proposals, remains in possession of the unredacted versions of the binding proposals. However, pursuant to GRU's RFP, Covanta and Sterling Planet designated the redacted material in their proposals as trade secret information, and this information is thus exempt from Chapter 119, Florida Statutes, by the provisions of Section 815.045, Florida Statutes. Additionally, unauthorized copying of the trade secret information is also a felony under Section 812.081(2), Florida Statutes. GRU has requested that Covanta and Sterling Planet agree to permit GRU to furnish the unredacted proposals to the Commission, either under cover of appropriate requests for confidential classification or without restriction. Covanta has declined to give its permission for disclosure on any terms. Sterling Planet has indicated that it

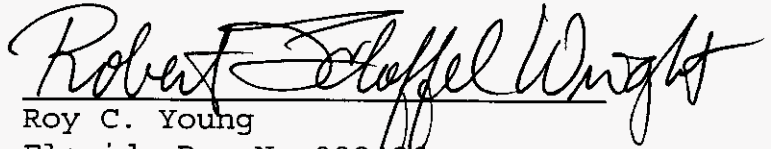
does not object to GRU's sharing its proposal with the Commission, but GRU is awaiting Sterling Planet's response to a further inquiry as to whether GRU is expected to provide the information under cover of a notice to request confidential classification. GRU will furnish the unredacted information as soon as practicable.

**Response to Interrogatory No. 102**

The table requested by Commission Staff through Interrogatory No. 102 contains summary information relative to the pricing contained in the proposals submitted by Covanta, Nacogdoches Power (now GREC LLC), and Sterling Planet in response to GRU's RFP. This information is also considered by Covanta, GREC LLC, and Sterling Planet to be confidential, proprietary business information, and accordingly, GRU intends to request confidential protection for this table. An unredacted, highlighted version of the subject table is attached to the confidential version of this Notice of Intent to Request Confidential Classification.

Pursuant to Rule 25-22.006(3)(a)(1), F.A.C., GREC LLC will file its Request for Confidential Classification for all confidential information contained therein within 21 days of filing this request.

Respectfully submitted this 1st day of March, 2010.

A handwritten signature in cursive script that reads "Robert Scheffel Wright". The signature is written in black ink and is positioned above a horizontal line.

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Attorneys for GREC and GRU

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (\*) or U.S. Mail this 1st day of March, 2010, on the following:

Erik Sayler/Martha Carter Brown\*  
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# Public Service Commission

## ACKNOWLEDGEMENT

DATE: March 2, 2010

TO: Scheff Wright, Young Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in **Docket Number 090451** or, if filed in an undocketed matter, concerning certain information provided in response to POD No. 16 in staff's 4<sup>th</sup> Request for PODs, also information contained in response to staff's Interrogatory No. 102, and filed on behalf of Gainesville Regional Utilities. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

DOCUMENT NO.    DATE  
01369-10    03/01/10  
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