

ORIGINAL

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May 31, 2006

BY HAND DELIVERY

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06 MAY 31 PM 4:47
COMMISSION CLERK

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Request for Confidential Classification,
PSC Docket No. 060387-EI

Dear Ms. Bayó:

Pursuant to Rule 25-22.006, Florida Administrative Code,
enclosed for filing is Florida Biomass Energy Group, L.L.C.'s
Request for Confidential Classification and Notice of Joinder in
Progress Energy's Request for Confidential Classification. The
confidential material is proprietary, confidential business
information contained in the power purchase agreement between
Florida Biomass and Progress that was recently filed with your
office pursuant to a notice of intent to request confidential
classification.

The pages of the power purchase agreement containing
confidential information are submitted as Exhibit A, a sealed,
unredacted set of the subject pages with the confidential
material highlighted, and Exhibit B, a redacted set of the
subject pages. Exhibit C is the justification matrix explaining
the grounds for the requested confidential protection. Also
enclosed is a copy of the affidavit of Kevin J. Mills, P.E.,
submitted in support of Florida Biomass's request.

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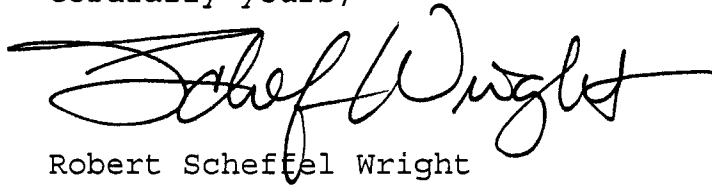
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As always, my thanks to you and your professional staff for their kind and courteous assistance. If you have any questions, please give me a call at 850/222-7206.

Cordially yours,

A handwritten signature in black ink, appearing to read "Robert Scheffel Wright". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert Scheffel Wright

YOUNG VAN ASSENDERP, P.A.

Attorneys for Florida Biomass Energy

Group

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of contract with a qualifying facility for purchase of firm capacity and energy between Progress Energy Florida, Inc. and Florida Biomass Energy Group, LLC.

Docket No. 060387-EQ

Dated: May 31, 2006

**FLORIDA BIOMASS ENERGY GROUP, L.L.C.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION AND INCORPORATED
NOTICE OF JOINDER IN PROGRES ENERGY FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Florida Biomass Energy Group, L.L.C. ("Florida Biomass"), pursuant to Section 366.093, Florida Statutes,¹ and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification for certain information provided in the Negotiated Contract for the Purchase of Firm Capacity and Energy From a Qualifying Facility, Dated the 28th day of April, 2006, by and between Florida Power Corporation d/b/a Progress Energy Florida, Inc. and Florida Biomass Energy Group, L.L.C. (the "Contract"), which was filed with the Florida Public Service Commission on May 11, 2006. Florida Biomass also joins in the request for confidential classification of certain information contained in the Contract that is being filed on this date (May 31, 2006) by Progress Energy Florida, Inc. ("PEF"). In support of this Request, Florida Biomass states as follows.

1. The Contract contains negotiated confidential terms and competitively sensitive information relating to Florida Biomass's technology, as well as information relating to specific

¹ All references to the Florida Statutes in this Request for Confidential Classification are to the 2005 edition thereof.

entities from whom Florida Biomass expects to obtain critical services and other items that are necessary to the successful development of the Project, all of which constitute “proprietary confidential business information” within the meaning of Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing unredacted copies of the documents (i.e., the pages of the Contract) for which Florida Biomass and PEF seek confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” In the unredacted versions, the information asserted to be confidential by Florida Biomass is highlighted by red/purple marker. The documents for which PEF seeks confidential treatment show the confidential information highlighted in yellow. PEF will submit its request for confidential classification under separate cover. Florida Biomass joins in PEF's request for confidential classification of the information covered by PEF's separate request for confidential classification.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents (i.e., the subject pages of the Contract) for which Florida Biomass and PEF request confidential classification. The specific information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a table that identifies by page and section the information for which Florida Biomass and PEF seek confidential classification and the specific statutory bases for seeking confidential treatment.

3. As indicated in Exhibit C, the information for which Florida Biomass and PEF request confidential classification is “proprietary confidential business information” within the

meaning of Section 366.093(3), F.S. Given that the Contract is the first of its kind, the competitively negotiated contractual information at issue, as well as the identities of Florida Biomass's contractual partners and certain information regarding Florida Biomass's fuel processing technology, are especially sensitive. The information for which Florida Biomass seeks protection: (a) is owned or controlled by Florida Biomass (and PEF); (b) is intended to be and is treated by Florida Biomass (and PEF) as private in that disclosure of the information would cause harm to Florida Biomass's business operations and would also cause harm to PEF's customers; and (c) has not been disclosed except pursuant to statutory provisions and pursuant to a private non-disclosure agreement between Florida Biomass and PEF, and in some cases, pursuant to private non-disclosure agreements between Florida Biomass and other entities, which agreements provide that the information will not be disclosed to others by either. Affidavit of Kevin J. Mills, P.E. at ¶¶ 5, 8, and 9. More specifically, the disclosure of the information in question would impair the efforts of Florida Biomass (and PEF) to competitively negotiate renewable energy contracts, and related contracts for goods, services, and other items necessary to Florida Biomass's business of developing renewable energy power plants, on favorable terms. Fla. Stat. § 366.093(3)(d), Florida Statutes; Affidavit of Kevin J. Mills, P.E. at ¶ 5. Furthermore, the Contract also relates to the general competitive business interests of Florida Biomass (and PEF), the disclosure of which would impair Florida Biomass's (and PEF's) competitive business interests. Fla. Stat. § 366.093(3)(e); Affidavit of Kevin J. Mills at ¶ 6. Accordingly, such information constitutes "proprietary confidential business information" which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

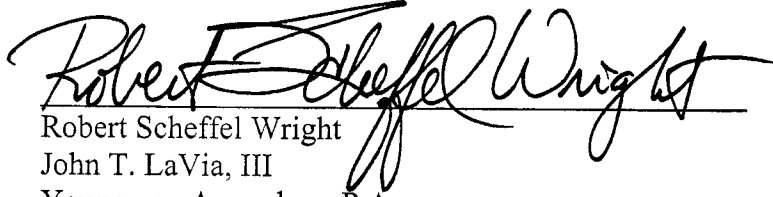
4. The information identified by highlighting in Exhibit "A" is intended to be and is treated as confidential by Florida Biomass. Affidavit of Kevin J. Mills, P.E. at ¶ 9. This information

has not been disclosed to the public, and the company has treated and continues to treat the information and contracts at issue as confidential. Affidavit of Kevin J Mills, P.E. at ¶ 9. The information has not been disclosed outside Florida Biomass except pursuant to statutory provisions (i.e., Section 366.093, Florida Statutes) and pursuant to private non-disclosure agreements between Florida Biomass, its parent, Biomass Investment Group, Inc., and private parties, including PEF and potential providers of financing and essential services for the Project.

5. The undersigned is authorized to represent that Progress Energy Florida does not object to the requests for confidential classification set forth herein.

WHEREFORE, for the foregoing reasons, Florida Biomass respectfully requests that this Request for Confidential Classification be granted, and accordingly, that the highlighted information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4) F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

Respectfully submitted this 3rd day of May, 2006.



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Attorneys for Florida Biomass
Energy Group, L.L.C.

Exhibit A

“CONFIDENTIAL”

Exhibit B

REDACTED

**PART I - PROGRESS ENERGY FLORIDA
Confidentiality Justification Matrix
In Which Florida Biomass Energy Group, L.L.C. Joins**

DOCUMENT/RESPONSES	PAGE/SECTION	JUSTIFICATION
Renewable Energy Contract between PEF and Biomass	Pg. 28 (c) and (f): contract terms, costs and credit rating information.	§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair PEF's efforts to contract for goods or services on favorable terms.
	Pg. 29 (g): letter of credit amounts.	
	Pg. 33 (e) thru (f)(i)(ii): ownership interests, contract terms and pricing.	
	Pg. 34 (f)(iii) thru (v): pricing terms.	§366.093(3)(e), F.S. The document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of the provider/owner of the information.
	Pg. 38 (b)(ii): pricing terms.	
	Pg. 40 Section 12.4(c): environmental costs.	
	Pg. 48 Section 14.6 (d): restoration estimate costs.	
	Pg. 50 Section 15.3: claim loss amounts.	
	Pg. 62 Section 18.8: negotiated contract terms.	
	Pg. 62 Section 18.10: negotiated contract terms.	
Appendix 12.1 "Monthly Capacity Payment Calculation": pricing calculations and terms.		

**PART II – FLORIDA BIOMASS ENERGY GROUP, L.L.C.
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/SECTION	JUSTIFICATION(*)
Renewable Energy Contract between PEF and Biomass	Pg. iii: key confidential negotiated contract terms.	§366.093(3)(d), F.S.
	Pg. 6: definitions - identities of certain entities with whom Florida Biomass has contractual relationships relative to the Project	§366.093(3)(d), F.S.; §366.093(3)(e), F.S.
	Pg. 8: definitions - identity of a certain entity with whom Florida Biomass has contractual relationships relative to the Project	§366.093(3)(d), F.S.; §366.093(3)(e), F.S.
	Pg. 11: definitions - contract terms, specifically key negotiated dates.	§366.093(3)(d), F.S.
	Pgs. 22 & 23 Section 6.2(b)-(d): contract terms, specifically key negotiated terms relating to the determination of committed capacity	§366.093(3)(d), F.S.
	Pg. 28 Section 6.9(c), (f): negotiated contract terms, costs, and letter of credit information.	§366.093(3)(d), F.S.; §366.093(3)(e), F.S.
	Pg. 29 Section 6.9(g): negotiated letter of credit amounts.	§366.093(3)(d), F.S.; §366.093(3)(e), F.S.
	Pgs. 33-34 Section 8.2(e) thru (f)(v): negotiated terms rel. to ownership interests, contract terms and pricing.	§366.093(3)(d), F.S.

	Pg. 34 Section 9.2(a): key negotiated operating term of the Contract	§366.093(3)(d), F.S.
	Pg. 38 Section 12.2(b)(ii): negotiated pricing terms.	§366.093(3)(d), F.S.
	Pg. 40 Section 12.4(c): negotiated terms relating to environmental compliance costs.	§366.093(3)(d), F.S.
	Pg. 46 Section 14.2(b): negotiated terms relating to committed capacity during force majeure events.	§366.093(3)(d), F.S.
	Pg. 48 Section 14.6(d): negotiated term relating to restoration costs following force majeure events.	§366.093(3)(d), F.S.
	Pg. 50 Section 15.3: negotiated term relating to claim loss amounts.	§366.093(3)(d), F.S.
	Pg. 53 Section 17.1(a): negotiated terms relating to cure periods.	§366.093(3)(d), F.S.
	Pg. 54 Section 17.1(b)(ii): negotiated term relating to default performance parameters.	§366.093(3)(d), F.S.
	Pg. 58 Section 17.2(c)-(f): negotiated terms relating to Project LLC's rights and obligations in the event of termination of the Contract.	§366.093(3)(d), F.S.; §366.093(3)(e), F.S.
	Pg. 62 Section 18.8: key negotiated contract terms.	§366.093(3)(d), F.S.

	Pg. 62 Section 18.10: key negotiated contract terms.	§366.093(3)(d), F.S.
	Appendix 6.1 "Facility Configuration: confidential, proprietary business information in the nature of trade secrets describing Florida Biomass's fuel processing technologies.	§366.093(3)(e), F.S.
	Appendix 12.1 "Monthly Capacity Payment Calculation": pricing calculations and terms.	§366.093(3)(d), F.S.; §366.093(3)(e), F.S.

* Where §366.093(3)(d), F.S. is cited in this column, please read as: Florida Biomass asserts that the document in question contains confidential information, the disclosure of which would impair Florida Biomass's efforts to contract for goods or services on favorable terms.

Where §366.093(3)(e), F.S. is cited in this column, please read as: Florida Biomass asserts that the document in question contains confidential information relating to competitive business interests, the disclosure of which would impair the competitive business of Florida Biomass, or PEF, or both, as applicable.