

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint Petition to Determine Need  
For the Gainesville Renewable Energy  
Center in Alachua County by Gainesville  
Regional Utilities and Gainesville Renewable  
Energy Center, LLC

DOCKET # 090451-EM

Filed: October 1, 2009

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**GAINESVILLE REGIONAL UTILITIES (GRU) AND  
GAINESVILLE RENEWABLE ENERGY CENTER, LLC (GREC LLC)  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

GRU and GREC LLC, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submit this Request for Confidential Classification of certain information in the pre-filed direct testimony of witness Bradley E. Kushner and Confidential Exhibits BEK-2 thru BEK-6. In support of this Request, Petitioners state:

1. On September 18, 2009, Petitioners filed a Notice of Intent to Request Confidential Classification related to certain information in the pre-filed direct testimony of Petitioners' witness Bradley E. Kushner and Confidential Exhibits BEK-2 thru BEK-6 (filed on September 18, 2009). Mr. Kushner's testimony and Confidential Exhibits BEK-2 thru BEK-6 include confidential, proprietary business information reflecting the pricing under the POWER PURCHASE AGREEMENT FOR THE SUPPLY OF DEPENDABLE CAPACITY, ENERGY AND ENVIRONMENTAL ATTRIBUTES FROM A BIOMASS-FIRED POWER PRODUCTION FACILITY by and between GAINESVILLE RENEWABLE ENERGY

CENTER, LLC and the city of GAINESVILLE, FLORIDA d/b/a GAINESVILLE REGIONAL UTILITIES, dated as of April 29, 2009 (the "PPA"). Disclosure of this information would impair GREC LLC's competitive interests in its negotiations with potential purchasers of

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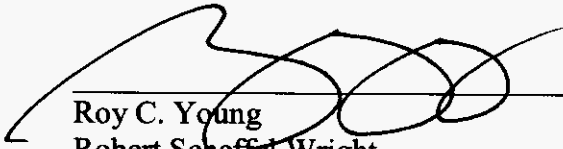
renewable energy from other projects being developed by GREC LLC, and would also impair GREC LLC's ability to contract for goods or services on favorable terms. The information for which Petitioners seek confidential classification is confidential negotiated pricing information between GRU and GREC LLC under the PPA, and this information is protected from public disclosure under the confidentiality clause in the power purchase agreement between GRU and GREC LLC. This Request for Confidential Classification has been filed within 21 days after Staff obtained the pre-filed direct testimony of Petitioner's witness Kushner and Confidential Exhibits BEK-2 thru BEK-6, and is therefore timely. Rule 25-22.006(3)(a)(1), F.A.C.

2. The following exhibits are included with this request:

- a. Exhibit A is a table which identifies the information for which Petitioners seek confidential classification and the specific basis for seeking confidential treatment;
- b. Exhibit B is a package containing two copies of a redacted version of the documents for which Petitioners 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 package containing an unredacted copy of the documents for which Petitioners seek confidential treatment. Exhibit C is being submitted separately in a sealed envelope labeled "CONFIDENTIAL." In the unredacted version, the information asserted to be confidential is highlighted in yellow; and
- d. Exhibit D is an affidavit of Joshua H. Levine.

3. The information described above and identified on Exhibit "A" qualifies for confidential classification under Section 366.093(3), Florida Statutes. GREC LLC is developing

Respectfully submitted this 15<sup>th</sup> day of October, 2009.

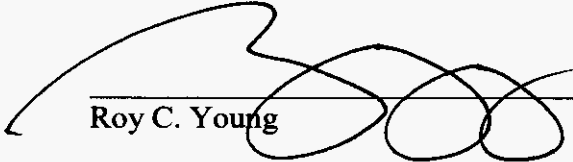


Roy C. Young  
Robert Scheffel Wright  
Young van Assenderp, P.A.  
225 South Adams Street – Suite 200  
Tallahassee, FL 32301  
(850) 222-7206  
(850) 561-6834 – Fax  
Attorneys for Petitioners

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and by United States mail this 15<sup>th</sup> day of October, 2009, to the following:

Martha Carter Brown  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[mbrown@PSC.STATE.FL.US](mailto:mbrown@PSC.STATE.FL.US)



Roy C. Young

**EXHIBIT A**  
**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION**

<b>DOCUMENT</b>	<b>PAGE NO(S).</b>	<b>COLUMNS</b>	<b>LINE NO(S).</b>	<b>STATUTORY JUSTIFICATION</b>
Direct Testimony of Bradley E. Kushner				
Exhibit BEK-2	1	N/A	All of Table 1	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit BEK-3	1	N/A	All of Table 1	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit BEK-4	1	N/A	All	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit BEK-5	1	N/A	All of Table 1	§ 366.093(3)(d) & (e), Fla. Stat.
Exhibit BEK-6	1 - 118	N/A	All	§ 366.093(3)(d) & (e), Fla. Stat.

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STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

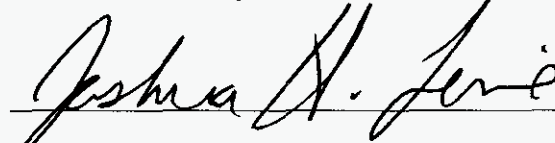
BEFORE ME, the undersigned authority, Joshua H. Levine personally appeared, who being first duly sworn, deposes and says:

1. My name is Joshua H. Levine. I am currently employed by American Renewables, LLC. I have personal knowledge of the matters stated in this affidavit.

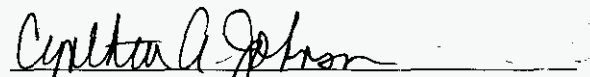
2. I have reviewed the document and information included in Exhibit C to Petitioners' Request for Confidential Classification. The document and material in Exhibit C which is asserted by Petitioners to be proprietary confidential business information is comprised of information concerning pricing under the Power Purchase Agreement between GRU and GREC LLC, the disclosure of which would impair GREC LLC's competitive interests in its negotiations with potential purchasers of renewable energy from other projects being developed by GREC LLC, and would also impair GREC LLC's ability to contract for goods and services on favorable terms. Disclosure of this information would directly impair the competitive business of GREC LLC. GREC LLC treats this information as private, confidential, proprietary business information, and GREC LLC has not disclosed the subject information except pursuant to confidentiality agreements that protect the information from public disclosure.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to Petitioners as soon as the information is no longer necessary for the Commission to conduct its business so that Petitioners can continue to maintain the confidentiality of these documents.

Affiant says nothing further.



SWORN TO AND SUBSCRIBED before me this 30th day of September, 2009, by Joshua H. Levine, who is personally known to me or who has produced, N/A (type of identification) as identification and who had taken an oath.



Signature of Notary Public  
Print Name: Cynthia A. Johnson  
My Commission Expires: Oct 11, 2011

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: October 1, 2009

TO: Roy Young, 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 in prefiled direct testimony of witness Bradley E. Kushner and Confidential Exhibit BEK-2 through BEK-6, and filed on behalf of GRU And GREC LLC. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

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