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GEORGE ANN C. BRACKO  
EXECUTIVE DIRECTOR

MEMORANDUM

090451-EM

COMMISSION  
CLERK

09 OCT 28 PM 2:17

RECEIVED-FPSC

TO: Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission

FROM: Roy C. Young *RCY*

DATE: October 28, 2009

SUBJECT: Docket No. 09-0451-EM

Enclosed for filing on behalf of Gainesville Renewable Energy Center original and 7 copies of GRU and GREC's Request for Confidential Classification in the above captioned docket.

Thank you for your assistance with this filing.

RCY:swp  
Enclosures

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**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

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DOCKET # 090451-EM

Filed: Oct. 28, 2009

**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 response to POD No. 1 in the Staff's First Request for Production of Documents. In support of this Request, Petitioners state:

1. On October 23, 2009, Petitioners filed a Notice of Intent to Request Confidential Classification for 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"). The PPA includes confidential, proprietary business information, 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 or services on favorable terms. The information for which Petitioners seek confidential classification is confidential negotiated pricing, fuel procurement, operational, and other confidential information between GRU and GREC LLC under the PPA, and this information is protected from public disclosure under the confidentiality clause in the power

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

purchase agreement between GRU and GREC LLC. This Request for Confidential Classification has been filed within 21 days after Staff obtained the redacted version of the PPA, 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 portions of the PPA 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 PPA 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 PPA 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 other biomass projects and is currently in discussions with other utilities in the State of Florida regarding agreements to sell power from such facilities. The highlighted information in Exhibit C hereto includes cost, fuel procurement, operational, and other information. Disclosure of such information would harm GREC LLC's competitive business interests. Accordingly, the

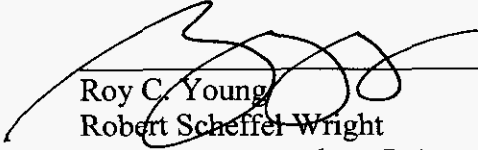
information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

4. The information for which Petitioners seek confidential treatment is intended to be and is treated as confidential by Petitioners. The information has not been disclosed to the public, and was provided to GRU pursuant to a confidentiality agreement.

5. Petitioners request that the information identified above be classified as "proprietary confidential business information" within the meaning of section 366.093(3), Florida Statutes; that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), Florida Statutes; and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, Petitioners respectfully request that this Request for Confidential Classification be granted.

Respectfully submitted this 28<sup>th</sup> day of October, 2009.



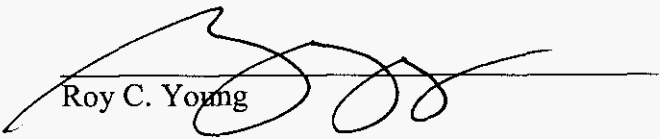
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Robert Scheffel-Wright  
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(850) 222-7206  
(850) 561-6834 – Fax  
Attorneys for Petitioners

**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 28<sup>th</sup> day of October, 2009, to the following:

Martha Carter Brown  
Erik Sayler  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
mbrown@PSC.STATE.FL.US

  
Roy C. Young

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

DOCUMENT	PAGE NO	SECTION / DEFINITION / PORTION of PAGE	STATUTORY JUSTIFICATION
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	I	4.5 and 4.7	§ 366.093(3)(d) & (e), Fla. Stat.
	II	10.6, 10.7, 12.4, 13.1 – 13.4, 14.1	§ 366.093(3)(d) & (e), Fla. Stat.
	III	22, 22.2	§ 366.093(3)(d) & (e), Fla. Stat.
	IV	27.1 – 27.3	§ 366.093(3)(d) & (e), Fla. Stat.
	2	3.1.1, 3.1.2, 3.2 – 3.4.2	§ 366.093(3)(d) & (e), Fla. Stat.
	3	4.1	§ 366.093(3)(d) & (e), Fla. Stat.
	4	4.1, 4.2, 4.4.1	§ 366.093(3)(d) & (e), Fla. Stat.
	5	4.4.1, 4.4.2, 4.5	§ 366.093(3)(d) & (e), Fla. Stat.
	6	4.6, 4.7, 4.7.1, 4.7.2	§ 366.093(3)(d) & (e), Fla. Stat.
	9	8.2.1 – 8.2.12	§ 366.093(3)(d) & (e), Fla. Stat.
	10	8.3 – 8.5	§ 366.093(3)(d) & (e), Fla. Stat.
	13	10.6	§ 366.093(3)(d) & (e), Fla. Stat.
	14	10.6, 10.7, 13.2.1 – 12.3.3	§ 366.093(3)(d) & (e), Fla. Stat.
	15	12.3.3 – 13.1	§ 366.093(3)(d) & (e), Fla. Stat.
	16	13.1 – 14.1	§ 366.093(3)(d) & (e), Fla. Stat.
	17	14.1	§ 366.093(3)(d) & (e), Fla. Stat.
	20	17.2	§ 366.093(3)(d) & (e), Fla. Stat.
	21	18.1.4 – 18.1.6	§ 366.093(3)(d) & (e), Fla. Stat.
	22	18.4.2, 18.4.3	§ 366.093(3)(d) & (e), Fla. Stat.
	26	22	§ 366.093(3)(d) & (e), Fla. Stat.
	27	22.2, 22.3	§ 366.093(3)(d) & (e), Fla. Stat.
	30	25.1.3, 25.1.4	§ 366.093(3)(d) & (e), Fla. Stat.
	33	26.3, 27.1 – 27.2.5	§ 366.093(3)(d) & (e), Fla. Stat.
	34	27.2.5 – 27.2.6	§ 366.093(3)(d) & (e), Fla. Stat.
	35	27.2.6 – 27.3	§ 366.093(3)(d) & (e), Fla. Stat.
	i	1 <sup>st</sup> and 4 <sup>th</sup> Definitions	§ 366.093(3)(d) & (e), Fla. Stat.
	ii	1 <sup>st</sup> , 3 <sup>rd</sup> , 6 <sup>th</sup> , 8 <sup>th</sup> - 12 <sup>th</sup> Definitions	§ 366.093(3)(d) & (e), Fla. Stat.
	iii	1 <sup>st</sup> , 2 <sup>nd</sup> , 4 <sup>th</sup> – 6 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 11 <sup>th</sup> , 12 <sup>th</sup> , 15 <sup>th</sup> Definitions	§ 366.093(3)(d) & (e), Fla. Stat.
	iv	1 <sup>st</sup> – 3 <sup>rd</sup> , 7 <sup>th</sup> – 10 <sup>th</sup> Definitions	§ 366.093(3)(d) & (e), Fla. Stat.
	v	1 <sup>st</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> Definitions	§ 366.093(3)(d) & (e), Fla. Stat.
	vi	3 <sup>rd</sup> – 5 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 11 <sup>th</sup> , 12 <sup>th</sup> Definitions	§ 366.093(3)(d) & (e), Fla. Stat.
	vii	1 <sup>st</sup> , 5 <sup>th</sup> , 11 <sup>th</sup> – 13 <sup>th</sup> , 15 <sup>th</sup> Definitions	§ 366.093(3)(d) & (e), Fla. Stat.
viii	3 <sup>rd</sup> – 6 <sup>th</sup> , 10 <sup>th</sup> – 12 <sup>th</sup> , 14 <sup>th</sup> , 16 <sup>th</sup> Definitions	§ 366.093(3)(d) & (e), Fla. Stat.	
ix	6 <sup>th</sup> , 9 <sup>th</sup> – 11 <sup>th</sup> , 14 <sup>th</sup> Definitions	§ 366.093(3)(d) & (e), Fla. Stat.	
x	3 <sup>rd</sup> – 5 <sup>th</sup> Definitions	§ 366.093(3)(d) & (e), Fla. Stat.	
xi	1.1, 1.2, 1.4	§ 366.093(3)(d) & (e), Fla. Stat.	
xiv	All rows and columns	§ 366.093(3)(d) & (e), Fla. Stat.	
xv	Entire page	§ 366.093(3)(d) & (e), Fla. Stat.	
xvii	Entire page	§ 366.093(3)(d) & (e), Fla. Stat.	
xviii	Entire page	§ 366.093(3)(d) & (e), Fla. Stat.	
xxii	3.2, 3.4	§ 366.093(3)(d) & (e), Fla. Stat.	

**EXHIBIT "B"**

**(Two copies of redacted version of PPA)**

**Docket #090451-EM**

**GRU and GREC Request for Confidential  
Classification to Response to POD #1 of  
Staff's First Request for Production of  
Documents**

**EXHIBIT "C"**  
**CONFIDENTIAL UNREDACTED PPA**  
**(with yellow highlighting)**

**Docket #090451-EM      Filed: Oct. , 2009**

**GRU and GREC Request for Confidential  
Classification to Response to POD #1 of Staff's  
First Request for Production of Documents**



**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

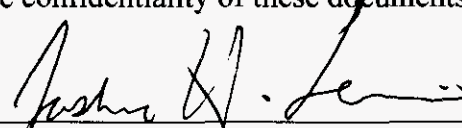
Filed: October \_\_\_\_, 2009

STATE OF MASSACHUSETTS    )  
COUNTY OF SUFFOLK        )


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 27<sup>th</sup> day of October, 2009, by Joshua H. Levine, who is personally known to me or who has produced a driver's license as identification and who had taken an oath.

  
Signature of Notary Public  
Print Name: David L. McGuire  
My Commission Expires: 3/2011

STATE OF FLORIDA

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
NANCY ARGENZIANO  
NATHAN A. SKOP  
DAVID E. KLEMENT



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: October 28, 2009

TO: Roy C. 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 response to POD No. 1 in staff's first request for PODs, 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 Kim Peña, Records Management Assistant, at (850) 413-6393.

DOCUMENT NUMBER - DATE  
10929 OCT 28 09  
FPSC-COMMISSION CLERK

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