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GEORGE ANN C. BRACKO  
EXECUTIVE DIRECTOR

MEMORANDUM

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COMMISSION  
CLERK

090451-EM

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

FROM: Roy C. Young

DATE: November 13, 2009

SUBJECT: Docket No. 09-0451-EM – Confidential Classification for portions of Response to Interrogatory #55 of Staff's Second Set of Interrogatories (9-70)

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

cc: Erik Sayler, Esquire  
Martha Carter Brown, Esquire

COM \_\_\_\_\_  
APA \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL 1 \_\_\_\_\_  
RAD 5 \_\_\_\_\_  
SSC \_\_\_\_\_  
ADM \_\_\_\_\_  
OPC \_\_\_\_\_  
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DOCUMENT NUMBER-DATE  
11306 NOV 13 09  
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: November 13<sup>th</sup>, 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 Interrogatory No. 55 in the Staff's Second Set of Interrogatories (Nos. 9 – 70). In support of this Request, Petitioners state:

1. On November 3, 2009, Petitioners filed a Notice of Intent to Request Confidential Classification for portions of the response to Interrogatory No. 55 in the Staff's Second Set of Interrogatories (Nos. 9 – 70). The information for which GREC LLC seeks confidential classification is proprietary confidential business information relating to GREC LLC's competitive interests, the release of which would harm GREC LLC's competitive business interests. 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 response to Interrogatory No. 55 for which GREC LLC seeks confidential classification and the specific basis for seeking confidential treatment;

DOCUMENT NUMBER-DATE

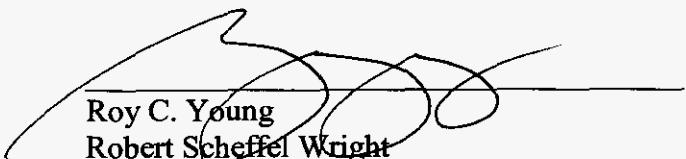
11306 NOV 13 8

FPSC-COMMISSION CLERK

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 13<sup>th</sup> day of November, 2009.

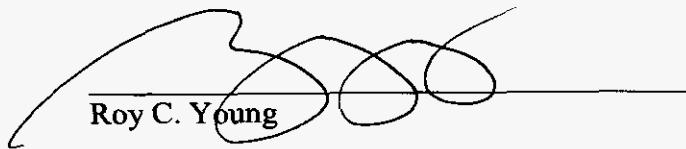


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(850) 561-6834 – Fax  
Attorneys for Petitioners

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery this 13th day of November, 2009, to the following:

Martha Carter Brown  
Erik Saylor  
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>COLUMN TITLE</b>	<b>ROW TITLE</b>	<b>STATUTORY JUSTIFICATION</b>
Response to Interrogatory No. 55	"GREC Facility"	"Installed Costs"	§ 366.093(3)(d) & (e), Fla. Stat.
Response to Interrogatory No. 55	"GREC Facility"	"Capital Cost"	§ 366.093(3)(d) & (e), Fla. Stat.
Response to Interrogatory No. 55	"GREC Facility"	"Fixed O&M"	§ 366.093(3)(d) & (e), Fla. Stat.
Response to Interrogatory No. 55	"GREC Facility"	"Variable O&M"	§ 366.093(3)(d) & (e), Fla. Stat.
Response to Interrogatory No. 55	"GREC Facility"	"Heat Rate"	§ 366.093(3)(d) & (e), Fla. Stat.

DOCUMENT NUMBER-DATE

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**EXHIBIT "B"**  
**(Two copies of redacted )**

**Docket #090451-EM Filed: Nov. 13, 2009**

**GRU and GREC Request for Confidential  
Classification to Response to portions of  
Interrogatory #55 of Staff's Second Set of  
Interrogatories (9-70).**

DOCUMENT NUMBER - DATE

11306 NOV 13 8

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

**Docket #090451-EM Filed: Nov. 13 2009**

**GRU and GREC Request for Confidential  
Classification to Response to portions of  
Interrogatory #55 of Staff's Second Set of  
Interrogatories (9-70).**

**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: November 13, 2009

STATE OF NEW HAMPSHIRE )  
COUNTY OF ROCKINGHAM )

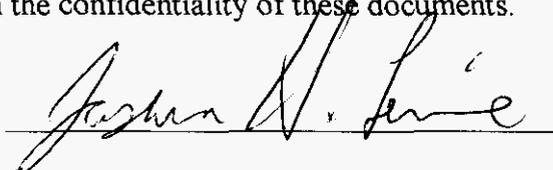
BEFORE ME, the undersigned authority, Joshua H. Levine personally appeared, who being first duly sworn deposes and says:

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.

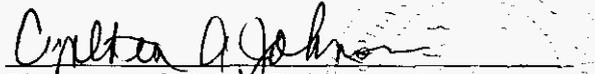
2. I have reviewed the document and information included in Exhibit C to Petitioners' Request for Confidential Classification. The document and material in Exhibit C which is asserted by Petitioners to be proprietary confidential business information is comprised of information related to pricing under 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 12<sup>th</sup> day of November, 2009, by Joshua H. Levine, who is personally known to me and who had taken an oath.

  
Signature of Notary Public  
Print Name: Cynthia Johnson  
My Commission Expires: 10/11/11

DOCUMENT NUMBER-DATE

11306 NOV 13 09

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

STATE OF FLORIDA



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: November 13, 2009

TO: Roy C. Young, Esquire - Young Van Assenderp, P.A.

FROM: Marguerite H. Mclean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

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This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090451-EM or, if filed in an undocketed matter, concerning certain information in response to Interrogatory No. 55 in staff's 2nd set of interrogatories (Nos. 9-70), and filed on behalf of GRU And GREC. 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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