

YOUNG VANASSENDERP, P.A.

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GEORGE ANN C. BRACKO
EXECUTIVE DIRECTOR

MEMORANDUM

090451-EM

COMMISSION
CLERK

09 NOV 30 PM 12:02

RECEIVED-FPSC

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

FROM: Roy C. Young 

DATE: November 30, 2009

SUBJECT: Docket No. 09-0451-EM Notice of Commission Hearing and Prehearing,
Florida Public Service Commission

Enclosed for filing is the Affidavit of Publication of the Notice of Commission Hearing and Prehearing, which was published in the Gainesville Sun on November 23, 2009, as shown on the attached Affidavit of Publication. We neglected to file the original from the newspaper and only filed a copy. We are sorry for any inconvenience this may have caused.

Thank you for your assistance with this filing.

RCY:swp
Enclosures

cc: Erik Saylor, Esquire
Martha Carter Brown, Esquire

DOCUMENT NUMBER-DATE

11600 NOV 30 8

FPSC-COMMISSION CLERK

YOUNG VANASSENDERP, P.A.

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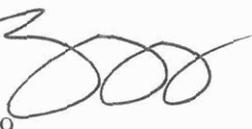
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OF COUNSEL ATTORNEYS:
JOSEPH W. LANDERS, JR.

GEORGE ANN C. BRACKO
EXECUTIVE DIRECTOR

MEMORANDUM

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

FROM: Roy C. Young 

DATE: November 25, 2009

SUBJECT: Docket No. 09-0451-EM Notice of Commission Hearing and Prehearing,
Florida Public Service Commission

RECEIVED-FPSC
09 NOV 25 PM 1:43
COMMISSION
CLERK

Enclosed for filing on behalf of Gainesville Renewable Energy Center original and 5 copies of Affidavit of Publication of the Notice of Commission Hearing and Prehearing, Public Service Commission, which was published in the Gainesville Sun on November 23, 2009, as shown on the attached Affidavit of Publication.

Thank you for your assistance with this filing.

RCY:swp
Enclosures

cc: Erik Sayler, Esquire
Martha Carter Brown, Esquire

DOCUMENT NUMBER-DATE

11600 NOV 30 8

FPSC-COMMISSION CLERK

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NO _____

THE GAINESVILLE SUN

Published Daily and Sunday
GAINESVILLE, FLORIDA
STATE OF FLORIDA
COUNTY OF ALACHUA

Ernest Blake III

Before the undersigned authority appeared.....

Classified Legals Coordinator

Who on oath says that he is.....of THE GAINESVILLE SUN, a daily newspaper
published at Gainesville in Alachua County, Florida, that the attached copy of advertisement, being
LEGAL ADVERTISEMENT, City of Gainesville, GRU

NOTICE OF COMMISSION HEARING AND PREHEARING
FLORIDA PUBLIC SERVICE COMMISSION, DOCKET NO. 090451-EM

In the matter of

in the.....Court, was published in said newspaper in the issues of

November 23rd

..... 2009

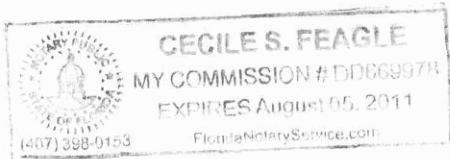
Affidavit further says that the said THE GAINESVILLE SUN is a newspaper published at Gainesville,
in said Alachua County, Florida, and that the said newspaper has heretofore been continuously published
in said Alachua County, each day, and has been entered as second class mail matter at the post office in
Gainesville, in Said Alachua County, Florida, for a period of one year next preceding the first publication
of the attached copy Of advertisement; and affiant further says that he has neither paid nor promised any
person, firm or corporation any discount for publication in the said newspaper.

Sworn to and subscribed before me this

24 day of NOV A.D., 2009

Cegile S. Feagle
(seal) Notary Public

[Handwritten Signature]



DOCUMENT NUMBER-DATE
11600 NOV 30 8
FPSC-COMMISSION CLERK

**NOTICE OF COMMISSION HEARING AND PREHEARING
FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 090451-EM**

JOINT PETITION TO DETERMINE NEED FOR GAINESVILLE RENEWABLE ENERGY CENTER IN ALACHUA COUNTY, BY GAINESVILLE REGIONAL UTILITIES AND GAINESVILLE RENEWABLE ENERGY CENTER, LLC

NOTICE IS HEREBY GIVEN that a hearing will be held before the Florida Public Service Commission in the above docket regarding the joint petition of Gainesville Regional Utilities and Gainesville Renewable Energy Center, LLC ("Applicants") for determination of need for the Gainesville Renewable Energy Center electrical power plant in Alachua County, at the following time and place:

Wednesday, December 16, 2009 9:30 AM
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

PURPOSE AND PROCEDURE

The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Section 403.519, Florida Statutes, for the Applicants' proposed renewable energy electrical power plant in Alachua County, Florida. This proceeding shall: (1) allow the Applicants to present evidence and testimony in support of their petition for determination of need for the proposed renewable energy electrical power plant; (2) permit any intervenors to present testimony and exhibits concerning this matter; (3) permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and (4) allow for such other purposes as the Commission may deem appropriate.

The proceedings will be governed by the provisions of Chapter 120, Florida Statutes; Section 403.519, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code.

Under Section 403.519, the Commission is the sole forum for the determination of need for the proposed electrical power plant. In making its determination, the Commission must take into account the need for electric system reliability and integrity, the need for fuel diversity and supply reliability, the need for adequate electricity at a reasonable cost, and whether the proposed plant is the most cost-effective alternative available. In addition, the Commission must expressly consider any renewable energy sources and technologies or conservation measures taken by or reasonably available to GRU which might mitigate the need for the plant. The Commission may consider other matters within its jurisdiction which it deems relevant. The Commission's determination of need for the proposed plant shall create a presumption of public need and necessity and shall serve as the Commission's report required by subsection 403.507(4)a, Florida Statutes. An order entered by the Commission pursuant to this hearing shall constitute final agency action.

Only issues relating to the need for the proposed power plant will be heard at this hearing. Separate public hearings will be held before the Division of Administrative Hearings at a later date to consider environmental and other impacts of the proposed plant and associated facilities.

Members of the public who are not parties to the need determination proceeding will have an opportunity to present testimony regarding the need for the proposed plant. All members of the public who wish to offer testimony should be present at the beginning of the hearing, 9:30 AM, Wednesday, December 16, 2009. All witnesses will be sworn in and will be subject to cross-examination at the conclusion of their testimony. By providing public testimony, a person does not become a party to the proceeding. Anyone wishing to become a party to this need determination proceeding should file an appropriate petition pursuant to Rule 25-22.039, Florida Administrative Code, with the Office of the Commission Clerk, at the address listed below. Copies of the petition shall be sent by mail to all parties. Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be a qualified representative pursuant to Chapter 120, Florida Statutes, and Rule 28-106.106, Florida Administrative Code. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Rule 28-106.201(2), Florida Administrative Code, and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceedings as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the hearing.

Written comments regarding the need for the proposed plant and associated facilities may be sent to the Commission at the following address:

Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Re: Docket No. 090451-EM

GENERAL LOCATION AND PROJECT DESCRIPTION

GRU and GREC LLC propose the construction of one new unit, to be known as the Gainesville Renewable Energy Center, which will consist of a nominal 100 megawatt (MW) net capacity steam unit designed to use clean woody biomass as its fuel supply. The plant will be located on GRU's existing Deerhaven Power Plant site within the City of Gainesville's corporate limits in Alachua County, Florida. The projected in-service date for the Gainesville Renewable Energy Center is December 1, 2013. The unit will be owned and operated by GREC LLC. GRU will receive power from the unit under a 30-year power purchase agreement with GREC LLC. All of the generation capacity from the unit will be committed to GRU for retail sale to its customers.

PREHEARING CONFERENCE

A prehearing conference will be held:

Monday, November 30, 2009 3:30 PM
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

The purpose of this prehearing conference is: (1) to define and limit, if possible, the number of issues; (2) to determine the parties' position on the issues; (3) to determine what facts, if any, may be stipulated; (4) to dispose of any motions or other matters that may be pending; and (5) to consider any other matters that may aid in the disposition of the action.

JURISDICTION

This Commission is vested with jurisdiction over the subject matter of this proceeding by Section 403.519, Florida Statutes.

A copy of the Applicants' petition for determination of need and supporting exhibits is available for public inspection during normal business hours at the following location:

Florida Public Service Commission
Office of Commission Clerk
4075 Esplanade Way
Room 110 - Betty Easley Conference Center
Tallahassee, Florida

Any person requiring some accommodation at this hearing because of a physical impairment should call the Office of Commission Clerk at (850) 413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

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SECTION 101 CLERK