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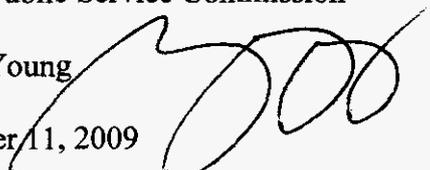
OF COUNSEL ATTORNEYS:

JOSEPH W. LANDERS, JR.  
\_\_\_\_\_  
GEORGE ANN C. BRACKO  
EXECUTIVE DIRECTOR

090451-EM

MEMORANDUM

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

FROM: Roy C. Young 

DATE: December 11, 2009

SUBJECT: Docket No. 09-0451-EM

RECEIVED-FPSC  
09 DEC 11 AM 9:15  
COMMISSION  
CLERK

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 Saylor, Esquire  
Martha Carter Brown, Esquire

COM \_\_\_  
APA \_\_\_  
ECR \_\_\_  
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DOCUMENT NUMBER-DATE  
11879 DEC 11 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: December 11, 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 for portions of the responses to Interrogatory Nos. 76 and 78 from Staff Third Set of Interrogatories (Nos. 71-79).

1. On December 1, 2009, Petitioners filed a Notice of Intent to Request Confidential Classification for portions of the responses to Interrogatory Nos. 76 and 78 in the Staff's Third Set of Interrogatories (Nos.71-79). 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. For these reasons, GREC LLC requests that the Commission afford portions of the responses to Interrogatory Nos. 76 and 78 confidential classification. The portions of the responses to Interrogatory Nos. 76 and 78 for which GREC LLC intends to request confidential classification have been redacted as part of the filing of the responses to Staff's Third Set of Interrogatories (Nos. 71 – 79). The 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:

DOCUMENT NUMBER-DATE

11879 DEC 11 09

FPSC-COMMISSION CLERK

- a. Exhibit A is a table which identifies the portions of the responses to Interrogatory Nos. 76 and 78 for which GREC LLC seeks 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 responses to Interrogatory Nos. 76 and 78 for which GREC LLC requests 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 responses to Interrogatory Nos. 76 and 78 for which GREC LLC seeks 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.

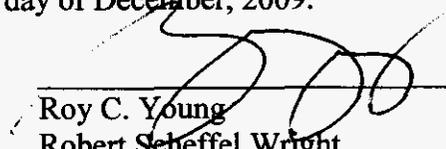
3. The information described above and identified on Exhibit "A" qualifies for confidential classification under Section 366.093(3), Florida Statutes. GREC LLC is developing other biomass projects and is currently in discussions with other utilities in the State of Florida regarding agreements to sell power from such facilities. The highlighted information in Exhibit C hereto includes cost and operational 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 GREC LLC seeks confidential treatment is intended to be and is treated as confidential by GRU and GREC LLC. 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.

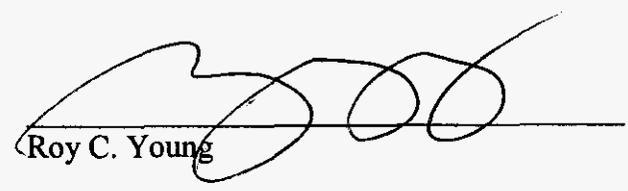
Respectfully submitted this 11<sup>th</sup> day of December, 2009.

  
\_\_\_\_\_  
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 by hand delivery this 11<sup>th</sup> day of December, 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

  
\_\_\_\_\_  
Roy C. Young

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

DOCUMENT	COLUMN TITLE	STATUTORY JUSTIFICATION
Response to Interrogatory No. 76	"Capital"	§ 366.093(3)(d) & (e), Fla. Stat.
Response to Interrogatory No. 76	"O&M"	§ 366.093(3)(d) & (e), Fla. Stat.
Response to Interrogatory No. 76	"Administrative Costs"	§ 366.093(3)(d) & (e), Fla. Stat.
Response to Interrogatory No. 76	"Tax Credits"	§ 366.093(3)(d) & (e), Fla. Stat.

DOCUMENT	LINE NUMBER(s)	STATUTORY JUSTIFICATION
Response to Interrogatory No. 78a	Lines 2 and 3	§ 366.093(3)(d) & (e), Fla. Stat.
Response to Interrogatory No. 78b	Lines 2 and 3	§ 366.093(3)(d) & (e), Fla. Stat.

**EXHIBIT "B"**  
**Two (2) copies of Redacted Version**  
**of GREC Responses to Interrogatory 76 & 78**

**Docket # 09-0451-EM**

**EXHIBIT "C"**

Unredacted Copy of GREC's Responses  
to Interrogatory No. 76 & 78, of Staff's  
Third Set of Interrogatories (No. 71-79)

Docket # 09-0451-EM

**CONFIDENTIAL**

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: December \_\_\_\_, 2009

STATE OF Florida )  
COUNTY OF Alachua )

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, 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.

Joshua H. Levine

SWORN TO AND SUBSCRIBED before me this 9th day of December, 2009, by Joshua H. Levine, who is personally known to me or who has produced, \_\_\_\_\_ (type of identification) as identification and who had taken an oath.

Rita K. Strother  
Signature of Notary Public  
Print Name: Rita K. Strother  
My Commission Expires May 12, 2012



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: December 11, 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 portions of responses to Interrogatory Nos. 76 and 78 from staff's 3<sup>rd</sup> set of Interrogatories, Nos. 71-79, 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  
11880 DEC 11 08  
FPSC - COMMISSION CLERK

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