

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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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 NO. 090451-EM )  
COMMISSION )  
CLERK )  
FILED: March 30, 2010 )

GAINESVILLE REGIONAL UTILITIES' AND  
GAINESVILLE RENEWABLE ENERGY CENTER, LLC'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION - RESPONSE TO  
STAFF'S INTERROGATORY NO. 114

Gainesville Regional Utilities ("GRU") and Gainesville Renewable Energy Center, LLC ("GREC LLC"), collectively referred to as "Petitioners," 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 provided in the response to Staff's Interrogatory No. 114. In support of this Request, Petitioners state:

1. On March 19, 2010, the Commission Staff served their Fifth Set of Interrogatories to Gainesville Renewable Energy Center, LLC. The Petitioners served their answers to all but two of the interrogatories on March 26, 2010, and advised the Staff

COM \_\_\_\_\_ that they were working diligently toward completing the remaining  
APA \_\_\_\_\_  
ECR \_\_\_\_\_ responses. (The response to Interrogatory No. 109 was submitted  
GCL   |    
RAD   |   on March 29, and the response to Interrogatory No. 114 is being  
SSC \_\_\_\_\_ submitted contemporaneously with this Request for Confidential  
ADM \_\_\_\_\_

OPC \_\_\_\_\_  
CLK Peña

DOCUMENT NUMBER: DATE  
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FPSC-COMMISSION CLERK

Classification.) Rather than file a separate Notice of Intent to Request Confidential Classification for confidential information contained in the response to Staff's Interrogatory No. 114, the Petitioners are submitting this Request.

2. The information for which Petitioners seek confidential classification is confidential summary information regarding the net present value of GRU's projected payments, and the levelized cost of electricity, under different scenarios for the in-service date of the GREC Project, for resale of 50MW of the Project's capacity and output, and for carbon regulation costs and for costs associated with potential renewable portfolio standards or similar regulatory requirements. The subject information reflects the confidential, proprietary, business information of GREC LLC, the disclosure of which would cause harm to GREC LLC's competitive business interests. Additionally, the information is also regarded as trade secret information by GREC LLC, and accordingly, the public disclosure of the information is prohibited by Section 812.081(2), Florida Statutes.

3. The following exhibits are included with this revised request:

- a. Exhibit A is a table that identifies the portions of the response to Interrogatory No. 114 for which Petitioners seek confidential classification and

the specific basis for seeking confidential treatment;

- b. Exhibit B includes two copies of a redacted version of the response to Interrogatory No. 114 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 an unredacted copy of the response to Interrogatory No. 114 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 the affidavit of Joshua H. Levine of GREC LLC submitted in compliance with Rule 25-22.006(4)(d), F.A.C., and in support of the Petitioners' request; because of logistical considerations, the affidavit will be filed on March 31, 2010.

4. The information described above and identified on Exhibit "A" qualifies for confidential classification under Section 366.093(3), Florida Statutes. In addition to the GREC

Project, GREC LLC is developing other biomass projects in Florida and elsewhere, and GREC LLC is currently in discussions with other utilities in the State of Florida regarding agreements to sell power from such facilities. The highlighted information in the tables provided in response to Interrogatory No. 114 includes the projected contract payments to be made by GRU to GREC LLC, as well as information that, if disclosed, could be used to compute or "reverse engineer" the contract payments. The disclosure of this confidential information would harm GREC LLC's competitive business interests.

5. The information for which confidentiality is sought through this Revised Request satisfies the requirements of Section 366.093, Florida Statutes, because:

- a. it is owned and controlled by GREC LLC;
- b. it is intended to be and is treated by GREC LLC as its private, confidential, proprietary, trade secret business information;
- c. it has not been disclosed to anyone outside GREC LLC except pursuant to confidentiality agreements or legal process;
- d. disclosure of the information would impair the competitive business interests of GREC LLC by revealing to its business competitors GREC LLC's confidential pricing information, which would

enable GREC LLC's business competitors to compete against GREC LLC to its detriment, including by enabling such competitors to "reverse engineer" proprietary pricing structure information that GREC LLC developed and negotiated specifically in the power purchase agreement between GREC LLC and GRU;

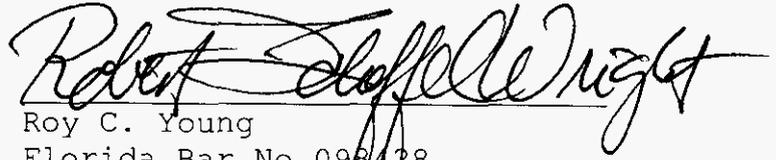
- e. disclosure of the information would impair GREC LLC's competitive business interests by revealing to other potential purchasers of power from projects being developed by GREC LLC and its affiliates confidential pricing information which could be used to establish a "floor" from which such other potential purchasers could negotiate against GREC LLC; and
- f. disclosure of the information would impair GREC LLC's competitive business interests by revealing, to potential vendors upon which GREC LLC must rely for goods and services necessary to its performance under the power purchase agreement between GREC LLC and GRU, information that would adversely impact GREC LLC's ability to contract for such necessary goods and services on favorable terms.

Accordingly, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes, as well as protected from public disclosure by Section 815.045, Florida Statutes, and by Section 812.081(2), Florida Statutes.

6. 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 30th day of March, 2010.



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Attorneys for GREC LLC and GRU

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been served by electronic mail and hand delivery (\*) or U.S. Mail this 30th day of March, 2010, on the following:

Erik Sayler/Martha Carter Brown\*  
Florida Public Service Commission  
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Tallahassee, FL 32399-0850

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Attorney

**EXHIBIT A**

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION**

<b>DOCUMENT</b>	<b>PAGE NO.</b>	<b>SECTION/DEFINITION / PORTION OF PAGE</b>	<b>STATUTORY JUSTIFICATION</b>
Petitioners' Response to Staff's Interrogatory No. 114	Page 5 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information
Petitioners' Response to Staff's Interrogatory No. 114	Page 6 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information
Petitioners' Response to Staff's Interrogatory No. 114	Page 8 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information
Petitioners' Response to Staff's Interrogatory No. 114	Page 9 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information
Petitioners' Response to Staff's Interrogatory No. 114	Page 11 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information
Petitioners' Response to Staff's Interrogatory No. 114	Page 12 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information
Petitioners' Response to Staff's Interrogatory No. 114	Page 14 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information
Petitioners' Response to Staff's Interrogatory No. 114	Page 15 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information

Petitioners' Response to Staff's Interrogatory No. 114	Page 17 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information
Petitioners' Response to Staff's Interrogatory No. 114	Page 18 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information
Petitioners' Response to Staff's Interrogatory No. 114	Page 20 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information
Petitioners' Response to Staff's Interrogatory No. 114	Page 21 of responses	The six columns of numeric data headed GRU Native Assets, Market, and GREC	§ 366.093(3)(d)&(e), Fla. Stat. – confidential, proprietary business information §§ 812.081(2) & 815.045, Fla. Stat.- trade secret information

**EXHIBIT C**

**UNREDACTED, CONFIDENTIAL RESPONSE TO  
STAFF'S INTERROGATORY NO. 114**

**EXHIBIT D**

**AFFIDAVIT OF JOSHUA H. LEVINE IN SUPPORT OF  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

**WILL BE FILED ON MARCH 31, 2010**

COMMISSIONERS:  
NANCY ARGENZIANO, CHAIRMAN  
LISA POLAK EDGAR  
NATHAN A. SKOP  
DAVID E. KLEMENT  
BEN A. "STEVE" STEVENS III

STATE OF FLORIDA



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

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: March 31, 2010

TO: Scheff Wright, 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 provided in response to staff's Interrogatory Nos. 114, provided on hard copy and CD, and filed on behalf of Gainesville Regional Utilities. 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.

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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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