

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 NO. 090451-~~ENK~~
FILED: April 23, 2010

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GAINESVILLE REGIONAL UTILITIES' AND
GAINESVILLE RENEWABLE ENERGY CENTER, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION -
RESPONSE TO STAFF'S INTERROGATORY NO. 117

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 confidential response to Staff's Interrogatory No. 117, which is being served contemporaneously with this Request. In support of this Request, Petitioners state:

1. On April 1, 2010, the Commission Staff served their Sixth Set of Interrogatories (Nos. 117-119) to Gainesville Renewable Energy Center, LLC. The Petitioners served their non-

COM _____ confidential responses to Staff's Sixth Set of Interrogatories
APA _____
ECR _____ (Nos. 117-119) on April 8, 2010. Also on April 8, 2010,
GCL 1 Petitioners filed their Notice of Intent to Request Confidential
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SSC _____
ADM _____
OPC _____
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DOCUMENT NUMBER-DATE

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Classification of portions of their response to Interrogatory No. 117.

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 50 MW 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 is 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. 117 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. 117 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. 117 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.

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. 117 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 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 know GREC LLC's 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.

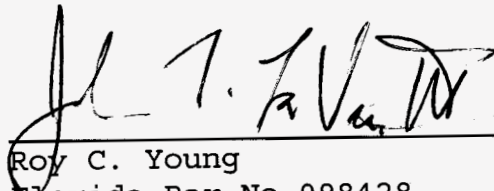
Accordingly, the information is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes, as well as protected from public disclosure by Section

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 23rd day of April, 2010.



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Robert Scheffel Wright
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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, excluding the confidential document in Exhibit C, has been served by electronic mail and hand delivery (*) or U.S. Mail this 23rd day of April, 2010, on the following:

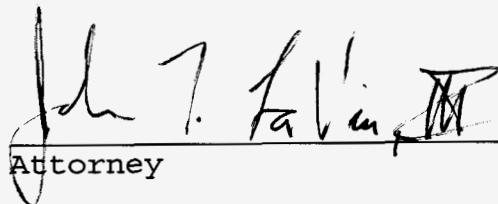
Erik Sayler/Martha Carter Brown*
Florida Public Service Commission
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Attorney

EXHIBIT A

JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF INFORMATION

DOCUMENT	PAGE NO.	SECTION/ DEFINITION/ PORTION OF PAGE	STATUTORY JUSTIFICATION
Petitioners' Response to Staff's Interrogatory No. 117	Page 1 of response, Table entitled Case: Base Scenario: Resale @ Full Contract Price	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. 117	Page 2 of response, Table entitled Case: Base Scenario: Resale @ Market Price	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. 117	Page 3 of response, Table Entitled Case: Regulated CO2 Scenario: Resale @ Full Contract Price	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. 117	Page 4 of response, Table entitled Case: Regulated CO2 Scenario: Resale @ Market Price	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. 117	Page 5 of response, Table entitled Case: Delay until 2015, no ITCs/REG Scenario: Resale @ Full Contract Price	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. 117	Page 6 of response, Table entitled Case: Delay until 2015, no ITCs/REG Scenario: Resale @ Market Price	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

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FPSC-COMMISSION CLERK

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EXHIBIT B (REDACTED)

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Docket No. 090451 - CONFIDENTIAL Response to Interrogatory No. 117 - Update to Interrogatory No. 114 with no Value for Renewable Energy Credits

Year	Scenario Results @ Full Contract Prices									
	All Costs are in Present Worth (2009: \$000)									
	GRU Native Assets		Market		CREC		Environmental		Total	
Capital & Fixed O&M Expenses	Fuel & Variable O&M Expenses	Purchased Power	Power Sales	Contract Payments	Power Receipts	Expenses	REC Sales	Annual Value	Cumulative Value	
2014								227,719	227,719	
2015								222,970	450,689	
2016								211,672	662,361	
2017								215,675	878,036	
2018								212,547	1,090,583	
2019								211,465	1,302,048	
2020								207,536	1,509,583	
2021								205,593	1,715,176	
2022								202,134	1,917,310	
2023								212,584	2,130,165	
2024								209,885	2,340,149	
2025								205,997	2,547,147	
2026								202,588	2,750,045	
2027								200,510	2,950,555	
2028								197,534	3,147,989	
2029								195,517	3,343,507	
2030								192,243	3,535,749	
2031								248,484	3,784,204	
2032								255,086	4,040,192	
2033								253,037	4,293,329	
2034								260,605	4,553,933	
2035								248,594	4,792,527	
2036								245,495	5,038,025	
2037								244,793	5,282,807	
2038								248,625	5,530,632	
2039								245,777	5,776,610	
2040								243,473	6,020,082	
2041								241,414	6,261,497	
2042								239,229	6,500,726	
2043								237,506	6,738,231	
Sum								6,738,231		

Docket No. 090451 - CONFIDENTIAL Response to Interrogatory No. 117 - Update to Interrogatory No. 114 with no Value for Renewable Energy Credits

Year	Case Base									
	Scenario: Retail @ Market Price									
	All Costs are in Present Worth (2009, \$000)									
	GRU Native Assets		Market		GREC		Environmental		Total	
	Capital & Fixed O&M Expenses	Fuel & Variable O&M Expenses	Purchased Power	Power Sales	Contract Payments	Power Reimb.	Expenses	REC Sales	Annual Value	Cumulative Value
2014									240,808	240,808
2015									239,319	478,127
2016									223,760	699,827
2017									227,183	927,010
2018									223,378	1,150,387
2019									221,733	1,372,119
2020									217,483	1,589,602
2021									214,640	1,804,141
2022									210,742	2,014,884
2023									212,384	2,227,230
2024									209,985	2,437,223
2025									206,987	2,644,220
2026									202,898	2,847,119
2027									206,310	3,047,429
2028									197,834	3,245,063
2029									195,517	3,440,580
2030									192,243	3,632,823
2031									248,464	3,881,277
2032									258,088	4,137,365
2033									253,057	4,390,402
2034									250,605	4,641,007
2035									248,884	4,889,891
2036									245,498	5,135,098
2037									244,783	5,379,881
2038									248,025	5,627,906
2039									245,777	5,873,683
2040									243,473	6,117,156
2041									241,414	6,358,570
2042									238,228	6,597,798
2043									237,508	6,835,305
Sum									6,835,305	

Docket No. 090451 - CONFIDENTIAL Response to Interrogatory No. 117 - Update to Interrogatory No. 114 with no Value for Renewable Energy Credits

Year	Cover Regulated CO2				Scenario: Regulate Full Contract Prices					
	All Costs are in Present Worth (2007\$, \$'000)				REC		Environmental		Total	
	GRU/Native Assets		Market		Contract Payments	Power Revenue	Expense	REC Sales	Annual Value	Cumulative Value
Capital & Fixed O&M Expenses	Fuel & Variable O&M Expenses	Purchased Power	Power Sales							
2014									258,461	258,461
2015									263,778	510,238
2016									244,894	754,930
2017									251,088	1,005,998
2018									249,734	1,255,732
2019									251,898	1,507,428
2020									250,600	1,757,929
2021									251,322	2,009,051
2022									250,894	2,259,745
2023									254,966	2,514,711
2024									255,835	2,770,345
2025									255,990	3,026,336
2026									254,857	3,280,893
2027									255,178	3,536,068
2028									256,314	3,792,783
2029									255,331	4,051,114
2030									255,888	4,309,698
2031									251,706	4,560,772
2032									257,808	4,808,277
2033									255,724	5,064,001
2034									257,345	5,319,346
2035									256,794	5,573,140
2036									256,154	5,825,274
2037									255,176	6,075,450
2038									309,430	6,384,880
2039									308,517	6,693,397
2040									312,470	7,005,867
2041									311,991	7,317,858
2042									316,770	7,634,628
2043									318,767	8,281,488
Sum									-	8,281,488

Docket No. 090451 - CONFIDENTIAL Response to Interrogatory No. 117 - Update to Interrogatory No. 114 with no Value for Renewable Energy Credits

Year	Class: Regulated CO2		Scenario: Retail @ Market Price							All Cash are in Present Worth (2005-2009)	
	GRU/Native Assets		Market		REC		Environmental		Total		
	Capital & Fixed O&M Expenses	Fuel & Variable O&M Expenses	Purchased Power	Power Sales	Contract Payments	Power Receipts	Expenses	REC Sales	Annual Value	Cumulative Value	
2014									264,724	264,724	
2015									261,026	525,748	
2016									261,120	786,868	
2017									266,695	1,053,563	
2018									264,561	1,318,124	
2019									265,611	1,583,735	
2020									263,417	1,747,152	
2021									263,178	1,910,330	
2022									261,612	2,171,942	
2023									264,966	2,436,908	
2024									266,636	2,703,544	
2025									266,960	2,970,504	
2026									264,857	3,235,361	
2027									266,676	3,502,037	
2028									266,214	3,768,251	
2029									266,331	4,034,582	
2030									266,662	4,301,244	
2031									261,106	4,562,140	
2032									267,608	4,829,748	
2033									266,724	5,096,472	
2034									267,346	5,363,818	
2035									266,784	5,630,602	
2036									266,134	5,896,466	
2037									269,176	6,165,642	
2038									309,430	6,475,072	
2039									306,617	6,781,689	
2040									312,470	7,094,159	
2041									311,991	7,406,150	
2042									316,770	7,722,920	
2043									316,757	8,039,677	
Sum									-	8,303,864	

Docket No. 090451 - CONFIDENTIAL Response to Interrogatory No. 117 - Update to Interrogatory No. 114 with no Value for Renewable Energy Credits

Year	Costs: Delay until 2015, no ITC/REG				Revenues: Recalls @ Full Contract Price All Costs are in Present Worth (2009\$/2000)					
	CRU Native Assets		Market		REC		Environmental		Total	
	Capital & Fixed O&M Expenses	Fuel & Variable O&M Expenses	Purchased Power	Power Sales	Contract Payments	Power Recalls	Expenses	REC Sales	Annual Value	Cumulative Value
2014									212,808	212,808
2015									225,465	438,273
2016									214,272	652,545
2017									218,172	870,717
2018									214,761	1,085,478
2019									213,551	1,299,029
2020									209,872	1,508,901
2021									207,342	1,716,243
2022									204,004	1,920,247
2023									215,844	2,136,091
2024									213,439	2,349,530
2025									210,303	2,559,833
2026									206,671	2,766,504
2027									203,365	2,969,869
2028									200,554	3,169,423
2029									198,321	3,367,144
2030									194,834	3,561,978
2031									281,037	3,843,015
2032									255,574	4,098,589
2033									256,416	4,355,005
2034									252,888	4,607,893
2035									250,764	4,858,657
2036									247,666	5,106,323
2037									246,600	5,352,923
2038									249,951	5,602,874
2039									247,636	5,850,510
2040									245,261	6,095,771
2041									243,128	6,338,899
2042									240,872	6,579,771
2043									239,062	6,818,833
Sum									6,792,238	

Docket No. 090451 - CONFIDENTIAL Response to Interrogatory No. 117 - Update to Interrogatory No. 114 with no Value for Renewable Energy Credits

Year	Scenario: Retail @ Market Prices									
	All Costs are in Present Worth (2009\$, \$000)									
	GRU Native Assets		Market		REC		Environmental		Total	
Capital & Fixed O&M Expenses	Fuel & Variable O&M Expenses	Procurement Power	Power Sales	Contract Payments	Power Receipts	Expenses	REC Sales	Annual Value	Cumulative Value	
2014								212,806	212,806	
2015								237,037	449,843	
2016								225,296	675,099	
2017								228,376	903,473	
2018								224,668	1,128,041	
2019								223,393	1,351,434	
2020								219,762	1,571,196	
2021								216,571	1,787,707	
2022								211,830	1,999,537	
2023								215,944	2,215,581	
2024								213,439	2,429,020	
2025								210,303	2,639,323	
2026								206,071	2,845,394	
2027								203,356	3,048,750	
2028								200,664	3,249,414	
2029								198,321	3,447,634	
2030								194,834	3,642,568	
2031								251,037	3,893,605	
2032								258,674	4,152,279	
2033								255,415	4,407,694	
2034								252,888	4,660,582	
2035								250,784	4,911,366	
2036								247,606	5,160,972	
2037								245,900	5,406,872	
2038								248,961	5,655,833	
2039								247,638	5,903,471	
2040								245,261	6,148,730	
2041								243,126	6,391,856	
2042								240,672	6,632,528	
2043								238,062	6,871,590	
Sum								-	-	
								6,871,510		

DOCKET 090451-EM

EXHIBIT D

AFFIDAVIT OF JOSHUA H. LEVINE

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: April 23, 2010

STATE OF FLORIDA)
COUNTY OF ALACHUA)

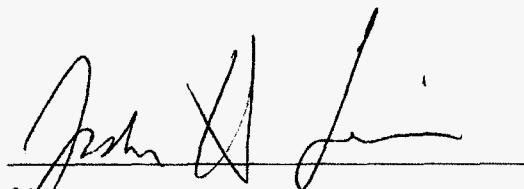
BEFORE ME, the undersigned authority, Joshua H. Levine personally appeared who, being first duly sworn deposes and says:

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.

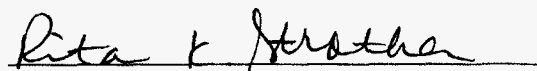
2. I have reviewed the document and information included in Exhibit C to Petitioners' Request for Confidential Classification. The documents and materials in Exhibit C proprietary confidential business information, the disclosure of which would impair GREC LLC's competitive interests in its negotiations 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.



SWORN TO AND SUBSCRIBED before me this 21 day of April, 2010, 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.


Notary Public

My Commission Expires: May 12, 2012

