

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: May 5, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Erik L. Sayler, Senior Attorney, Office of the General Counsel
RE: Docket No. 090451-EM – In Re: Joint petition to determine need for Gainesville Renewable Energy Center in Alachua County, by Gainesville Regional Utilities and Gainesville Renewable Energy Center, LLC.

RECEIVED-FPSC
 10 MAY -5 PM 1:23
 COMMISSION CLERK

Please place into the docket file the attached email correspondence, including memorandum, between Intervenor Stahmer and GRU/GREC LLC attorney Mr. LaVia.

Please note that Intervenor Stahmer has withdrawn her and Intervenor Deevey's request for official recognition of all items in her May 1, 2010, motion, except for items 4(a) and 4(c).

GRU/GREC LLC maintains its objection to these items as set forth in its May 2, 2010, response in opposition to Intervenor's May 1, 2010, motion.

ELS/th
Attachment

DOCUMENT NUMBER-DATE

03737 MAY-5 e

FPSC-COMMISSION CLERK

Erik Sayler

From: Jay LaVia [jlavia@yvlaw.net]
Sent: Tuesday, May 04, 2010 6:09 PM
To: paulastahmer@aol.com; diandv@bellsouth.net; Erik Sayler; Rhonda Dulgar; Schef Wright
Subject: Re: Memo from Jay LaVia - Docket 090451-EM

Dear Mrs. Stahmer,

For the grounds set forth in GRU/GREC LLC's Response in Opposition to Intervenor's Request for Official Recognition of Documents, GRU/GREC LLC maintain their objections to official recognition being taken of the documents listed in paragraphs 4 (a) and 4 c of the Intervenor's Request.

Jay LaVia

>>> <paulastahmer@aol.com> 5/4/2010 5:49:10 PM >>>
Dear Rhonda,

Thank you for the memo

Dian and I withdraw a request for all documents except for items 4 (a) and (c).

Thank you for the correction re a second (e) that should have been (i).

Paula

-----Original Message-----

From: Rhonda Dulgar <rdulgar@yvlaw.net>
To: paulastahmer@aol.com; diandv@bellsouth.net; Erik Sayler <esayler@PSC.STATE.FL.US>; Jay LaVia <jlavia@yvlaw.net>; Schef Wright <swright@yvlaw.net>
Sent: Tue, May 4, 2010 5:06 pm
Subject: Memo from Jay LaVia - Docket 090451-EM

Jay LaVia asked that I forward the attached memo to you. Please let me know if you need additional information.

Thanks,

Rhonda Dulgar
Secretary to Jay LaVia
850-222-7206

5/5/2010

DOCUMENT NUMBER-DATE
03737 MAY-5 2010
FPSC-COMMISSION CLERK

M E M O R A N D U M

To: Erik Sayler, Paula Stahmer, Dian Deevey
From: Jay LaVia
Re: Intervenors' Request for Official Recognition
Date: May 4, 2010

We have reviewed the status of the documents that are subject to the Intervenors' pending Request for Official Recognition of Documents (the "Request"). The following documents included in Intervenors' Request were admitted as Exhibits during the evidentiary hearing on May 3, 2010 (the numeric references are to the paragraphs in Intervenors' Request):

4(b) GRU 2010 TYSP - Petitioners stipulated to admission of this document as part of Exhibit 92;

4(f) May 11, 2008¹ Gainesville Sun article - included in Exhibit 88;

4(e) (This should actually be paragraph 4(i).) Intervenors' Composite Exhibit of City Commission Chronology of Approval of Biomass Generator - Petitioners stipulated to admission of only the summaries of the Minutes of City Commission Meetings on 1/28/08, 10/8/07, 3/24/08, 2/11/08, 4/28/08, 5/12/08 and 5/7/09 as part of Exhibit 92 (all other parts of this document have not been stipulated or otherwise admitted). Because the above-referenced documents have been formally admitted as exhibits in this proceeding, official recognition is not necessary and the Intervenors' Request with regard to these documents should be treated as moot.

¹ The Intervenors' Request actually reference a May 12, 2008 Gainesville Sun article. We have confirmed with Intervenors that the May 12, 2008 reference was a scrivener's error and should have referenced a May 11, 2008 article.

Memo

May 4, 2010

Page 2

With regard to the remainder of the documents identified in Intervenors' Request (i.e., the documents referenced in paragraphs 4(a), 4(c), 4(d), 4(e), 4(g), 4(h) and the remainder of the documents in the second 4(e), Petitioners renew their objections set forth in Petitioners' "Response in Opposition to Intervenors' Request for Official Recognition."