

DOCKET 090451-EM

EXHIBIT D

AFFIDAVIT OF JOSHUA H. LEVINE

DOCUMENT NO. DATE
02495-10 04/05/10
EPSC - 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)

DOCKET NO. 090451-EM

FILED: April 5, 2010

STATE OF FLORIDA)
COUNTY OF ALACHUA)

AFFIDAVIT OF JOSHUA H. LEVINE

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 contained in Exhibit C to Petitioners' Request for Confidential Classification of certain designated information contained in the Petitioners' response to the Public Service Commission Staff's Request for Production of Documents No. 16. The subject Exhibit C is an unredacted copy of the Confidential Proposal for Renewable Energy Generation in response to Gainesville Regional Utilities RFP 2007-135, Biomass Fueled Generation Facility, submitted to GRU by Nacogdoches Power, LLC, which, as the predecessor entity to GREC LLC, submitted the proposal to GRU. The information designated as confidential in that Exhibit C is the proprietary, confidential business information, including trade secret information, of GREC LLC, and the disclosure of the designated confidential information 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 its affiliates. The disclosure of the designated confidential information would also impair GREC LLC's ability to contract on favorable terms for goods and services that are necessary to GREC LLC's performance of its responsibilities under the power purchase and sale agreement between GREC LLC and GRU. 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, the subject information should remain confidential for a period of not less than eighteen (18) months. In addition, this information should be returned to the Petitioners as soon as the information is no longer necessary for the Commission to conduct its business, so that the Petitioners can continue to maintain the confidentiality of this information.

Affiant sayeth nothing further.

Joshua H. Levine

SWORN TO AND SUBSCRIBED before me this 31st day of March, 2010, by Joshua H. Levine, who personally known to me.

Rita K. Strother

Rita K. Strother



Notary Public
My Commission Expires: *May 12, 2012*

DOCUMENT NO. *0495-10* DATE *04/05/10*
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