

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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.	DOCKET NO. 090451-EM ORDER NO. PSC-10-0083-CFO-EM ISSUED: February 16, 2010
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ORDER GRANTING GAINESVILLE REGIONAL UTILITIES
AND GAINESVILLE RENEWABLE ENERGY CENTER, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 11880-09)

On December 11, 2009, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006(3), Florida Administrative Code (F.A.C.), Gainesville Regional Utilities (GRU) and Gainesville Renewable Energy Center, LLC (GREC LLC) filed a Request for Confidential Classification of certain information provided in its response to Staff's Third Set of Interrogatories (Nos. 71-79), Interrogatories Nos. 76 and 78 (Document No. 11880-09). This request was filed in Docket No. 090451-EM.

Request for Confidential Classification

Section 366.093(1), F.S., provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the Public Records Act]." Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Paragraphs (d) and (e) of Section 366.093(3), F.S., provide that proprietary confidential business information includes, but is not limited to "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms;" and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

GRU and GREC LLC contend that portions of the information contained in their response to Staff's Third Set of Interrogatories (Nos. 71-79), specifically information contained in portions of their response to Staff's Interrogatories Nos. 76 and 78, as more fully described in the table in Attachment A, falls within these categories and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006(3), F.A.C. GRU and GREC LLC state that this information is intended to be and is treated by GRU and GREC LLC as private and has not been publicly disclosed.

DOCUMENT NUMBER-DATE

31015 FEB 16 09

FPSC-COMMISSION CLERK

GRU and GREC LLC specifically allege that their responses to Staff's Interrogatories 76 and 78 include cost and operational information, such as capital, O&M, and administrative costs; tax credits; total levelized costs; and first year revenues and annual revenues. GRU and GREC LLC further allege this cost and operational information is confidential, proprietary 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 in the State. Accordingly, GRU and GREC LLC maintain portions of their responses to Staff Interrogatories 76 and 78 are entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

Ruling

Upon review, it appears the information specified in the table in Attachment A satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information and thus, shall be treated as confidential. The identified information constitutes "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Moreover, none of the documentation discussed herein contains any information regarding the compensation of GRU or GREC LLC executives. Thus, the information identified in Document No. 11880-09, as specifically described in Attachment A, shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless GRU, GREC LLC, or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that Gainesville Regional Utilities and Gainesville Renewable Energy Center, LLC's Request for Confidential Classification of information contained in Document No. 11880-09, as detailed in Attachment A, is granted. It is further

ORDERED that the information in Document No. 11880-09 for which confidential classification has been granted, as described in Attachment A, shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 16th day of
February, 2010.



NATHAN A. SKOP
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

Attachment A

DOCUMENT DESCRIPTION	
GRU and GREC LLC Response to Staff's Third Set of Interrogatories Number 76	The amounts listed in the columns of the Table entitled "Capital;" "O&M;" "Administrative Costs;" and "Tax Credits."
GRU and GREC LLC Response to Staff's Third Set of Interrogatories Number 78a	The highlighted numbers on lines 2 and 3 of the response.
GRU and GREC LLC Response to Staff's Third Set of Interrogatories Number 78b	The highlighted numbers on lines 2 and 3 of the response.