

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in  
Lee County by Useppa Island Utilities Co.,  
Inc.

DOCKET NO. 110260-WS  
ORDER NO. PSC-14-0113-CFO-WS  
ISSUED: February 26, 2014

ORDER GRANTING USEPPA ISLAND UTILITIES CO., INC.'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
DOCUMENT NO. 00410-12  
(X-REF. DOCUMENT NO. 08838-11)

On February 7, 2012, pursuant to Section 367.156, Florida Statutes (F.S.) and Rule 25-22.006, Florida Administrative Code (F.A.C.), Useppa Island Utilities Co., Inc. (Useppa or Utility) filed its request for confidential classification (Request) for certain information submitted in connection with the Utility's responses to a staff audit in this docket. (Document No. 00410-12 (x-ref. Document No. 08838-11)). Useppa asserts that this information is intended to be and has been kept confidential and should be classified as proprietary, confidential business information pursuant to Section 367.156(2), F.S. and Rule 25-22.006, F.A.C.

Section 367.156(2), 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 367.156(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. Sections 367.156(3)(b),(d) and (e), F.S., provide that proprietary confidential business information includes, but is not limited to "internal auditing controls and the reports of internal auditors," "information 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 "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

Useppa contends that the information, identified more specifically at Exhibit A of its Request is highly sensitive and relates to 1) its affiliated parent company's financial position, debt structure, operating results and 2) the compensation of the Utility's employees. Useppa asserts that disclosure of the information would impair its competitive interests or the competitive interests of its parent company. Thus, Useppa asserts that the information is proprietary business information pursuant to Sections 367.156(3)(b),(d) and (e), Florida Statutes.

Time Period For Confidential Classification

Useppa did not request confidential classification for a specified period of time. Pursuant to Section 367.156(4), F.S., confidential classification may only extend for 18 months from the issuance of an Order granting confidential classification unless “the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period.”

Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 367.156(3), F.S., for classification as proprietary confidential business information. The information constitutes “information 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 “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information identified in Document No. 00410-12 (x-ref. Document No. 08838-11) shall be granted confidential classification.

Pursuant to Section 367.156(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 Useppa or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

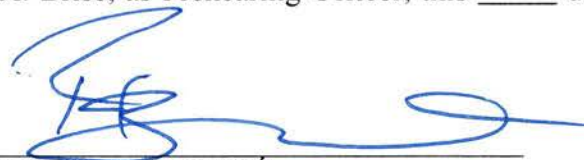
Based on the foregoing it is:

ORDERED by Commissioner Ronald A. Brise, as Prehearing Officer, that Useppa Island Utilities Co., Inc.’s Request for Confidential Classification of Document No. 00410-12 (x-ref. Document No. 08838-11) is granted. It is further

ORDERED that the information in Document No. 00410-12 (x-ref. Document No. 08838-11) for which confidential classification has been granted 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 Ronald A. Brisé, as Prehearing Officer, this 26th day of  
February, 2014.



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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM

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 25-22.0376, 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.