

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and
wastewater rates in Lake County by Lake
Utility Services, Inc.

DOCKET NO. 100426-WS
ORDER NO. PSC-14-0240-CFO-WS
ISSUED: May 19, 2014

ORDER GRANTING LAKE UTILITY SERVICES, INC.'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION (DOCUMENT NO. 02393-11)

On April 11, 2011, pursuant to Rule 25-22.006, Florida Administrative Code, Lake Utility Services, Inc. (LUSI or Company) filed a request for confidential classification (Request) of certain materials produced by LUSI in response to Staff's Audit Requests in connection with Audit Control No. 11-004-4-2. LUSI asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. LUSI requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 367.156(4), Florida Statutes.

Request for Confidential Classification

Section 367.156(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 367.156(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the person or company as private, in that disclosure of the information would cause harm to the person's or company's ratepayers or business operations, and has not been disclosed to the public. Section 367.156(3), F.S., provides that proprietary business information includes, but is not limited to:

- (a) Trade Secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility or its affiliates to contract for goods and services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive businesses of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

LUSI contends that the information, described with specific justification in Exhibit A attached to its Request, is intended to be, and is treated as, confidential by the Company, and has not been otherwise publicly disclosed. LUSI contends that the information conforms with the above requirements and is generally described as bids or other contractual data, competitive

interests, internal auditing controls and reports of internal auditors, and employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. LUSI argues that disclosure of the information could have a severe impact on business operations and private negotiations. Based on the foregoing, LUSI asserts that the information is entitled to confidential classification pursuant Section 367.156(3), F.S., and Rule 25-22.006, F.A.C.

Ruling

Upon review, the documents for which confidential classification is sought consist of trade secrets, internal auditing controls and reports of internal auditors, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms, and employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. LUSI is requesting that Document No. 02393-11 be granted confidential classification, which would prevent disclosure of the information to the public at large. I find that the information identified in Document No. 02393-11 is treated by the Company as private, has not otherwise been disclosed, and falls within the statutory definition of “proprietary confidential business information.”

The Company requests confidential classification for this information for a period of at least 18 months. According to Section 367.156(4), F.S., confidential classifications 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.”

I therefore conclude the information contained in Document No. 02393-11 satisfies the criteria set forth in Section 367.156(3), F.S., for classification as proprietary confidential business information. Thus, the information contained in Document No. 02393-11, shall be granted confidential classification.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Lake Utility Services, Inc.’s Request for Confidential Classification of Document No. 02393-11 is granted. It is further

ORDERED that the information in Document No. 02393-11 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. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Lake Utility Services, Inc., or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 Eduardo E. Balbis, as Prehearing Officer, this 19th day
of May, 2014.



EDUARDO E. BALBIS
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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.

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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 25-22.0376, 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.