

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of ST. GEORGE)
ISLAND UTILITY COMPANY, LTD., for)
increased rates and service avail-)
ability charges for water service)
in Franklin County)

DOCKET NO. 871177-WU
ORDER NO. 20587
ISSUED: 1-11-89

ORDER DENYING REQUEST FOR CONFIDENTIAL
TREATMENT OF CERTAIN DOCUMENTS

On June 30, 1987, St. George Island Utility Company, Ltd., (St. George or utility), filed an application for increased rates and service availability charges for water service in Franklin County, Florida. The information provided did not satisfy the minimum filing requirements for a general rate increase and the utility was notified of such deficiencies. On September 1, 1988, St. George completed the minimum filing requirements and this date was established as the official date of filing.

During its preparation for this proceeding, the staff of this Commission (Staff) performed an audit of the utility's books and records. In conjunction with this audit, the Staff auditor made a number of requests for certain records and documents. On October 13, 1988, the Staff auditor made a formal, written request that St. George provide copies of a number of documents, including its federal income tax returns for the years 1979 through 1987, federal income tax schedules and work papers, balance sheets, ledgers, financial statements and summaries of tax depreciation and distributions to partners.

On November 2, 1988, the above-mentioned documents were provided to the Staff auditor. At the time that these documents were provided, Gene D. Brown, a principal of St. George, signed the bottom of the document request form and a check mark was placed next to the following statement on that form: "We hereby provide notice of our intent to file a request for specified confidential classification of the items we have identified above within 21 days of your request as provided by Rule 25-22.006[, Florida Administrative Code.]" Under Rule 25-22.006(4)(a), Florida Administrative Code, "[a] request for classification of material as specified confidential shall be filed in writing and shall identify the specific information which justifies the classification." (Emphasis supplied.) Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, such a request must be made within twenty- one days after the utility receives a written request for the record or document. St. George failed to file a written request for specified confidential treatment of the above-referenced documents.

In addition, under Rule 25-22.006(4)(c), Florida Administrative Code, "[t]he burden of proof shall be on the source to show that the document or other material in question contains bona fide proprietary confidential business information." St. George failed to provide any justification for the confidential treatment of these documents.

Based upon the foregoing, the Prehearing Officer finds that St. George failed to file a written request for confidential treatment or to carry its burden of proof that the documents

DOCUMENT NUMBER-DATE

00305 JAN 11 1989

FPSC-RECORDS/REPORTING

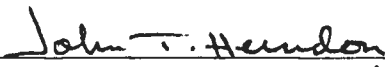
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are confidential, as required by Rule 25-22.006, Florida Administrative Code. The utility's request that the above-mentioned documents be specified confidential is, therefore, denied.

Based upon the foregoing, it is

ORDERED by Commissioner John T. Herndon, as Prehearing Officer, the St. George Island Utility Company, Ltd.'s request for confidential treatment of certain documents is hereby denied.

By ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 11th day of JANUARY, 1989.



JOHN T. HERNDON, Commissioner
and Prehearing Officer

(S E A L)

RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 sewer utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, 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

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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.