

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of CONTINENTAL) DOCKET NO. 881178-WS
COUNTRY CLUB, INC., for rate increase in) ORDER NO. 21236
Sumter County, Florida.) ISSUED: 5-15-89
)

ORDER DENYING CONTINENTAL COUNTRY CLUB, INC.'S
REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION OF CERTAIN MATERIAL

Continental Country Club, Inc. (Continental or the utility), has requested specified confidential classification of a document produced in response to our Audit Staff's document/record request dated January 27, 1989. Continental's request, made pursuant to Rule 25-22.006(3), Florida Administrative Code, states that the document produced shows the capital structure of Redman Industries, Inc., the parent corporation of Continental. Redman Industries, Inc. (Redman or the parent), manufactures and sells mobile homes. It is a privately held company not involved in the utility business beyond owning Continental.

The request filed by Continental alleges that the public disclosure of the capital structure of Redman could:

. . . seriously harm Redman Industries, Inc. (sic) business interests by disclosing its competitive position in the marketplace, its financial strength and its present growth. This in turn could affect Continental Country Club, Inc. and its ratepayers because adverse effects on the finances of Redman Industries, Inc. would affect the finances of Continental Country Club, Inc.

Information for which specified confidential classification is requested must be shown to be "proprietary confidential business information" pursuant to Section 367.156, Florida Statutes. This document does not come within any specific example of such information provided in Section 367.156, Florida Statutes. However, Rule 25-22.006(4), Florida Administrative Code, provides that documents that do not fit within one of the statutory examples may be granted specified confidential classification if it is demonstrated that their public disclosure could harm a utility or its ratepayers.

Beyond the simple statements that such disclosure may be harmful, it has not been demonstrated how the disclosure of Redman's capital structure will cause any harm to Redman or Continental. This information depicts Redman's capital structure as of January, 1989. It does not show any projection of future changes in that structure contemplated by Redman, nor any other information that would, in itself, appear to give a competitor any advantage over Redman. Because it has not been demonstrated how the public disclosure of Redman's January, 1989, capital structure would, in any way, result in harm to Redman, the Prehearing Officer finds it appropriate to deny Continental's request for specified confidential classification of this document.

Based on the foregoing, it is, therefore

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ORDERED by Commissioner Gerald L. Gunter, as Prehearing Officer, that the Request for Specified Confidential Classification filed by Continental Country Club, Inc., on February 15, 1989, in Docket No. 881178-WS, is hereby denied. It is further

ORDERED that this document setting out the capital structure of Redman Industries, Inc., submitted by Continental Country Club, Inc., shall not be kept confidential pursuant to Section 367.156, Florida Statutes, and shall not be exempt from the requirements of Section 119.07(1), Florida Statutes. It is further

ORDERED that if a protest is filed within 14 days of the date of this Order, it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.006(3)(d), Florida Administrative Code. It is further

ORDERED that if no timely protest is filed, this ruling shall become final pursuant to Rules 25-22.006(3)(d) and (2)(f), Florida Administrative Code.

By ORDER of Commissioner Gerald L. Gunter, as Prehearing Officer, this 15th day of MAY, 1989.


GERALD L. GUNTER, Commissioner
and Prehearing Officer

(S E A L)

SFS

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.