

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for interim and) DOCKET NO. 940109-WU
permanent rate increase in) ORDER NO. PSC-94-1052-CFO-WU
Franklin County by ST. GEORGE) ISSUED: August 29, 1994
ISLAND UTILITY COMPANY, LTD.)
_____)

ORDER GRANTING, IN PART, AND DENYING,
IN PART, REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 3508-94

On April 14, 1994, St. George Island Utility Company, Ltd. (SGI) filed certain documents in response to requests by Staff auditors, which have been designated, collectively, as Document No. 3508-94. On May 3, 1994, SGI requested confidential classification for these materials pursuant to Section 367.156, Florida Statutes. SGI's initial request was deemed deficient. On July 18, 1994, SGI filed an amended request for confidential classification.

Under Section 119.01, Florida Statutes, all documents submitted to this Commission are presumed to be public records. The only exceptions are documents which are exempt pursuant to specific statutory provisions. Moreover, under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the burden of demonstrating that materials qualify for confidential classification falls upon the person requesting such treatment.

The materials for which SGI initially sought confidential classification included information regarding office rent expense, transportation expense, as well as federal income tax returns and attached schedules for the years 1987 through 1992. In its amended request, SGI abandoned its request for confidential classification of its office rent and transportation expense information. As for the remainder of the materials, SGI argues that its federal income tax returns and schedules should be held confidential because they are confidential under to federal law.

Upon review, the materials still in question are, in fact, SGI's federal income tax returns and attached schedules for the years 1987 through 1992. Since federal income tax returns are confidential under federal law, the Prehearing Officer finds it appropriate to grant SGI's request for confidential classification, with one exception. By Order No. 20587, issued January 11, 1989, SGI's request for confidential classification of its 1987 federal income tax return and schedules was denied. Although SGI had served notice of its intent to request confidential classification for these and other materials, it failed to actually file such a

DOCKETS TO ORDER-DATE

08849 AUG 29 8

FPSG-RECORDS/REPORTING

ORDER NO. PSC-94-1952-CFO-WU
DOCKET NO. 940109-WU
PAGE 2

request. Accordingly, its 1987 federal income tax return and accompanying schedules are already public record.

It is, therefore,

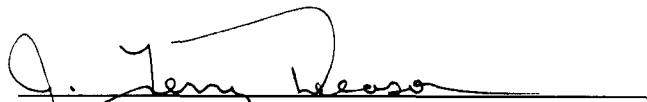
ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that St. George Island Utility Company, Ltd.'s request for confidential classification of its federal income tax returns and attached schedules for the years 1988 through 1992 is granted. It is further

ORDERED that St. George Island Utility Company, Ltd.'s request for confidential classification of its 1987 federal income tax return and attached schedules is denied. It is further

ORDERED that, in accordance with Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of this Order in the absence of a renewed request for confidential classification. It is further

ORDERED that this Order shall be the sole notice of the expiration of confidentiality.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 29th day of August, 1994.



J. TERRY DEASON, Chairman and
Prehearing Officer

(S E A L)

RJP

ORDER NO. PSC-94-1052-CFO-WU
DOCKET NO. 940109-WU
PAGE 3

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 wastewater 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 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.

M E M O R A N D U M

August 29, 1994

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (PIERSON) *RP*
RE: DOCKET NO. 940109-WU - PETITION FOR INTERIM AND PERMANENT
RATE INCREASE IN FRANKLIN COUNTY BY ST. GEORGE ISLAND
UTILITY COMPANY, LTD.

91
12:30 pm

1052-CFD

Attached is an Order Granting, In Part, and Denying, In Part,
Request For Confidential Classification of Document No. 3508-94,,
to be issued in the above-referenced docket. (Number of pages in
Order - 3)

RJP/dp

Attachment

cc: Division of Water and Wastewater (Willis, Amaya, Crouch,
Merchant, Moniz, Rasberry, K. Williams)

I: 940109-C.RJP

MUST GO TODAY