

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide shared tenant telecommunications service by Four Points Utility Corporation.

DOCKET NO. 060405-TS
ORDER NO. PSC-06-0934-CFO-TS
ISSUED: November 6, 2006

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 07712-06

On August 23, 2006, Four Points Utility Corporation (Four Points) filed a request for confidential classification. In its request, Four Points seeks confidential classification of its updated version of the financial statement filed as Exhibit "C" (Document Number 07712-06). On August 2, 2006, Four Points filed, as confidential, exhibit "C" (Document Number 06915-06), which consisted of a balance sheet and a financial statement. Four Points has requested the original information filed on August 2, 2006, be returned.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006 (4)(c), Florida Administrative Code, provides that it is the Company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Section 364.183 (3), Florida Statutes, in pertinent part, provides:

The term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Confidential Exhibit "C" contains the unedited personal financial statement of the Utility's owner as of August 1, 2006. Based on the definition of proprietary confidential business information in Section 364.183 (3), Florida Statutes, it appears that the material described herein is proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information could adversely impact the owner's other business ventures, weaken the owner's financial position, and

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thus indirectly harm the utility or its ratepayers. As such, Four Points' Request for Confidential Classification of Document No. 07712-06-06, is hereby granted.

Based on the foregoing, it is

ORDERED by Chairman Lisa Polak Edgar, as Presiding Officer, that Four Points Utility Corporation's Request for Confidential Classification of Document No. 07712-06, is granted. It is further


ORDERED that pursuant to Section 364.183, 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 issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period. It is further

ORDERED that the financial statement (Document Number 06915-06) filed on August 2, 2006, be returned to Four Points Utility Corporation. It is further

ORDERED that the balance sheet no longer be classified as confidential.

By ORDER of Chairman Lisa Polak Edgar, as Presiding Officer, this 6th day of November, 2006.



LISA POLAK EDGAR
Chairman and Presiding Officer

(S E A L)

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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 Director, Division of the Commission Clerk and Administrative Services, 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.