

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS
ORDER NO. PSC-10-0408-CFO-WS
ISSUED: June 24, 2010

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 11472-09)

BY THE COMMISSION:

On November 19, 2010, pursuant to Section 367.156, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Skyland Utilities, LLC. (Skyland) filed a request for confidential classification of certain materials provided within its response to Commission staff's notice of deficiency letter dated November 9, 2009 (Document No. 11472-09).

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)." Section 367.156(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 367.156(3)(d) and (e), F.S., provides that proprietary confidential business information includes, but is not limited to, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms; and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Skyland contends that certain information contained in its response to staff's notice of deficiency letter dated November 9, 2009, falls within the above-referenced statutory definitions and thus, constitutes proprietary confidential business information entitled to protection under Section 367.156(3), F.S., and Rule 25-22.006, F.A.C. Skyland states that this information is intended to be and is treated by Skyland as private and has not been publicly disclosed.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 367.156(3), F.S., for classification as proprietary confidential business information. The information at issue consists of financial statements for Evans Properties, Inc. (Evans), the parent company of Skyland. Thus, the information constitutes proprietary confidential business information which includes, but is not limited to, information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

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Thus, the information identified in Document No. 11472-09 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein 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 Skyland or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that Skyland Utilities, LLC's Request for Confidential Classification of Document No. 11472-09 is granted. It is further

ORDERED that the information in Document No. 11472-09 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. 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. It is further

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 24th day of June, 2010.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(SEAL)

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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.