

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Seminole County by Sanlando Utilities Corporation. || DOCKET NO. 110257-WS
ORDER NO. PSC-12-0178-CFO-WS
ISSUED: April 3, 2012

ORDER GRANTING SANLANDO UTILITIES CORPORATION'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 01106-12
(CROSS-REFERENCE DOCUMENT NO. 00680-12)

Upon Sanlando Utilities Corporation's (Sanlando or Utility) application for increased water and wastewater rates, our staff conducted an audit of the Utility's books and records. At the audit exit conference held on January 31, 2012, Sanlando indicated that certain workpapers provided to staff auditors in connection with Audit Control No. 11-315-4-1 should be treated as confidential. These workpapers were assigned Document No. 00680-12, and were accorded confidential treatment pending the Utility's written request.

Subsequently, on February 27, 2012, Sanlando filed its written request and attached the confidential documents in both highlighted and redacted form. The confidential portion was assigned Document No. 01106-12

Section 367.156(1), Florida Statutes (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) [the Public Records Act]." Section 367.156(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the person or company as private, in that disclosure of the information would cause harm to the person's or company's ratepayers or business operations, and has not been disclosed to the public. Section 367.156(3)(e), F.S., provides that proprietary confidential business information includes, but is not limited to "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

Sanlando contends that the information obtained through the audit satisfies the requirements of both Section 367.156, F.S., and Rule 25-22.006, Florida Administrative Code (F.A.C.). Specifically, Sanlando states that the information contained on workpaper 44-1, columns (a) through (j), pages 1, 2, 4, 5, 7, and 8; workpaper 44-1/1, columns (a) through (j), on pages 1, 2, 4, 5, 7, and 8; and workpaper 44-6, columns (a) through (j), pages 1-6, fall within this category and thus constitute proprietary confidential business information entitled to protection under Section 367.156, F.S., and Rule 25-22.006(3), F.A.C. Sanlando notes that the information consists of employee's name and title, base salary, benefits, overtime, raises, taxes, pension information and total compensation. Sanlando further states that the compensation information is intended to be and is treated as private and confidential, that its disclosure would impair the Utility's competitive interests and negatively affect employee morale. Sanlando claims that such disclosure would impair the ability of the Utility to contract for employees on favorable

DOCUMENT NUMBER-DATE

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terms, and impair the Utility's competitive interests as described in Florida Power and Light Company v. FPSC, 31 So. 3d 860 (Fla. 1st DCA 2010), and as set out in Sections 367.156(3)(d) and (e), F.S.

Analysis and Ruling

In any rate proceeding, our staff audits the books and records of the applicant. In any such audit, our staff typically obtains sensitive and confidential compensation information.

I conclude the information contained in Document Nos. 01106-12 and 00680-12 satisfy the criteria set forth in Section 367.156(3)(d) and (e), F.S., and as described in Florida Power and Light Company v. FPSC, for classification as proprietary confidential business information. The information constitutes either contractual data or “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information contained in Document Nos. 01106-12 and 00680-12, specifically set out above, and also listed on Attachment A, shall be granted confidential classification.

Pursuant to Section 367.156(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 Sanlando 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 Chairman Ronald Brisé, as Prehearing Officer, that Sanlando Utilities Corporation's Request for Confidential Classification of information contained within Document Nos. 01106-12 and 00680-12 is granted. It is further

ORDERED that the information in Document Nos. 01106-12 and 00680-12 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.

By ORDER of Chairman Ronald A. Brisé, as Presiding Officer, this 3rd day of
April, 2012.



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Chairman and Presiding Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

RRJ

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.

JUSTIFICATION MATRIX

<p><u>Location</u> (Specific request w/page number)</p>	<p><u>Justification</u> <i>Please note: All information for which the Utility requests confidential treatment has been kept confidential by the Utility, and intends to keep such information confidential.</i></p>
<p>Workpaper 44-1 (All of amounts in columns (a) through (j) On pp. 1, 2, 4, 5, 7 & 8)</p>	<p>§367.156(3)(d) Disclosure of compensation data, overtime data and salary increase data would impair the ability of the Utility to contract for employees on favorable terms.</p> <p>§367.156(3)(e) Disclosure of the compensation data would impair the Utility's competitive interests as described in <u>Florida Power & Light Company et al. v. Public Service Commission</u>, 31 So. 3d 860 (Fla. 1st DCA 2010). The Utility keeps this information strictly confidential to prevent other utilities from stealing their employees and to prevent lowered morale and infighting among employees who have the same position but varying wages.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.</p>
<p>Workpaper 44-1/1 (Columns (a) through (j) on pp. 1, 2, 4, 5, 7 & 8)</p>	<p>§367.156(3)(d) Disclosure of compensation data, overtime data and salary increase data would impair the ability of the Utility to contract for employees on favorable terms.</p> <p>§367.156(3)(e) Disclosure of the compensation data would impair the Utility's competitive interests as described in <u>Florida Power & Light Company et al. v. Public Service Commission</u>, 31 So. 3d 860 (Fla. 1st DCA 2010). The Utility keeps this information strictly confidential to prevent other utilities from stealing their employees and to prevent lowered morale and infighting</p>

	<p>among employees who have the same position but varying wages.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.</p>
<p>Workpaper 44-6 (Columns (a) through (j) on pp. 1-6)</p>	<p>§367.156(3)(d) Disclosure of compensation data, overtime data and salary increase data would impair the ability of the Utility to contract for employees on favorable terms.</p> <p>§367.156(3)(e) Disclosure of the compensation data would impair the Utility's competitive interests as described in <u>Florida Power & Light Company et al. v. Public Service Commission</u>, 31 So. 3d 860 (Fla. 1st DCA 2010). The Utility keeps this information strictly confidential to prevent other utilities from stealing their employees and to prevent lowered morale and infighting among employees who have the same position but varying wages.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.</p>