

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application to transfer assets and Certificate No. 550-S from Utility Corporation of Florida, Inc. to South Highlands Investment Corporation in Highlands County.

DOCKET NO. 140145-SU
ORDER NO. PSC-14-0650-CFO-SU
ISSUED: November 5, 2014

ORDER GRANTING SOUTH HIGHLANDS INVESTMENT CORPORATION'S REQUEST FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 05473-14)

On September 29, 2014, pursuant to Section 367.156, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), South Highlands Investment Corporation (SHIC) filed a request for confidential classification of a document submitted in response to the Florida Public Service Commission (Commission) staff's deficiency letter.

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) [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 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. Sections 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."

SHIC contends that the balance sheet submitted in response to staff's deficiency letter sets forth specific assets and liabilities that are unregulated. SHIC asserts that public disclosure of the balance sheet would impair its competitive interests, and could be used to discern trade secrets, or harm its ability to contract for goods and services on a favorable basis.

SHIC asserts that disclosure of the confidential information within the balance sheet will have an adverse effect on its negotiation in the sale of non-regulated assets, and could be used in future negotiations to the disadvantage of SHIC. SHIC argues that this information is entitled to confidential classification pursuant to Section 367.156(e), F.S. SHIC affirms that the information within the balance sheet is intended to be and is treated by SHIC as private and confidential, and has not been disclosed externally.

Time Period For Confidential Classification

SHIC requests confidential classification for this information for a period of 18 months. According to Section 367.156(4), F.S., confidential classification may only extend for 18 months from the issuance of an Order granting confidential classification unless "the commission finds, for good cause, that the protection from disclosure shall be for a specified longer period."

Ruling

Upon review, the above-referenced information satisfies the criteria set forth in Section 367.156(3)(e), F.S., for classification as proprietary confidential business information. The information concerns competitively negotiated data, the disclosure of which would impair the efforts of the company to contract for goods or services on favorable terms. Furthermore, the disclosure of this information would adversely impact the competitive interests of the company. Thus, the information identified in Document No. 05473-14 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 SHIC 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 Lisa Polak Edgar, as Prehearing Officer, that South Highlands Investment Corporation's Request for Confidential Classification of Document No. 05473-14 is granted. It is further

ORDERED that the information in Document No. 05473-14 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 Commissioner Lisa Polak Edgar, as Prehearing Officer, this 5th day of November, 2014.



LISA POLAK EDGAR

Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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

KRM

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.