

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in wastewater rates in Lee County by Utilities, Inc. of Eagle Ridge.

DOCKET NO. 080247-SU
ORDER NO. PSC-15-0028-CFO-SU
ISSUED: January 8, 2015

ORDER GRANTING UTILITIES, INC.'S REQUEST FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 04404-09)

On May 7, 2009, pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), Utilities, Inc. (UI or Company) filed a request for confidential classification (Request) of certain materials submitted by UI in connection to a staff audit, Audit Control No. 08-231-4-1 (Document No. 04404-09). UI asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. UI requests that the Commission grant confidential classification for the documents pursuant to Section 367.156, Florida Statutes (F.S.).

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 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), F.S., provides that proprietary business information includes, but is not limited to:

- (a) Trade Secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility or its affiliates to contract for goods and services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive businesses of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

UI contends that the information, described with specific justification in the table attached to its Request, is intended to be, and is treated as, confidential by the utility and has not been otherwise publicly disclosed. UI contends that the information conforms to the above requirements and is generally described as information relating to the competitive interests of UI, the disclosure of which would impair the competitive businesses of the company; and information concerning bids or other contractual data, the disclosure of which would impair the efforts of UI to contract for goods or services on favorable terms. Based on the foregoing, the

Company asserts that the information is entitled to confidential classification pursuant to Section 367.156(3)(e), F.S., and Rule 25-22.006, F.A.C.

Time Period

UI requests confidential classification for this information for a period of 18 months. According to Section 366.093(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 specific portions of the document for which confidential classification is sought appears to be information concerning bids or other contractual data, and information related to the competitive interests of UI in accordance with the requirements of Section 367.156, F.S. and Rule 25-22.006, F.A.C.

I therefore find that the information contained in Document No. 04404-09 satisfies the criteria set forth in Section 367.156(3), F.S., for classification as proprietary confidential business information. Thus, the information contained in Document No. 04404-09 shall be granted confidential classification for a period of 18 months.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Utilities, Inc.’s Request for Confidential Classification of information contained within Document No. 04404-09 is granted. It is further

ORDERED that the information in Document No. 04404-09 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. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Utilities, Inc. or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 Ronald A. Brisé, as Prehearing Officer, this 8th day of January, 2015.



RONALD A. BRISÉ
Commissioner and Prehearing 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.

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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.