

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties by Utilities, Inc. of Florida.

DOCKET NO. 160101-WS
ORDER NO. PSC-17-0162-CFO-WS
ISSUED: May 8, 2017

ORDER GRANTING UTILITIES, INC. OF FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 04170-17)

On April 11, 2017, pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), Utilities, Inc. of Florida (Utilities, Inc. or Utility) filed a request for confidential classification (Request) of certain information provided in response to Office of Public Counsel's (OPC) First Request for Production of Documents to Utilities, Inc. Nos. 23 & 24, and OPC's First Set of Interrogatories to Utilities, Inc. Nos. 29 & 30. (Document No. 04170-17).

Request for Confidential Classification

Utilities, Inc. contends that designated portions of the information contained in the responses, as more specifically identified by page, line and statutory basis in Exhibit A to its Request, constitute proprietary confidential business information entitled to protection under Section 367.156, Florida Statutes (F.S), and Rule 25-22.006, F.A.C. Utilities, Inc. asserts that disclosure of compensation policies and actual compensation information would impair the Utility's competitive interests, provide other companies information to lure employees away, and create circumstances under which infighting and employee morale would be negatively affected. Utilities, Inc. asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. Utilities, Inc. requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 367.156(4), F.S.

Ruling

Section 367.156(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. 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), F.S., provides that proprietary confidential business information includes, but is not limited to:

- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

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 constitutes “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information identified in Document No. 04170-17 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 up to 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.


Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Utilities, Inc. of Florida’s Request for Confidential Classification of Document No. 04170-17, as detailed in Exhibit A attached to the request, is granted. It is further

ORDERED that the information in Document No. 04170-17 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. of Florida 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 May, 2017.



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.

WLT

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.