

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in
Polk County by Four Lakes Golf Club, Ltd.

DOCKET NO. 160176-WS
ORDER NO. PSC-17-0254-CFO-WS
ISSUED: June 29, 2017

ORDER GRANTING FOUR LAKES GOLF CLUB, LTD.'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NUMBER 05037-17

On May 25, 2017, pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), Four Lakes Golf Club, Ltd. (Four Lakes) filed a request for confidential classification (Request) of certain salary information provided in response to Finding 7 of the Staff Audit, Audit Control No. 16-245-2-1 (Document No. 05037-17).

Request for Confidential Classification

Four Lakes contends that designated portions of the information constitute proprietary confidential business information entitled to protection under Section 367.156, Florida Statutes (F.S) and Rule 25-22.006, F.A.C. Four Lakes asserts that this information is intended to be and is treated by Four Lakes as private and has not been publicly disclosed. Four Lakes requests that the Florida Public Service Commission (Commission) grant confidential classification for the redacted information for a period of 18 months from the date of the issuance of this Order, pursuant to Section 367.156(4), F.S.

Four Lakes contends it treats the salary information listed in Finding 7 of the Staff Audit as strictly confidential. Four Lakes argues that such information is proprietary confidential business information because disclosure would impair its contractual abilities and competitive interests, and is entitled to confidential classification pursuant to Section 367.156(3)(d) and (e), F.S.

Ruling

Section 367.156(1), F.S., provides that records this 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:

- (d) 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.

- (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 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.” Thus, the information identified in Document No. 05037-17 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 Four Lakes 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 Donald J. Polmann, as Prehearing Officer, that Four Lakes Golf Club, Ltd.’s Request for Confidential Classification of Document No. 05037-17, is granted. It is further

ORDERED that the information in Document No. 05037-17 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 Four Lakes Golf Club, Ltd. 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 Donald J. Polmann, as Prehearing Officer, this 29th day
of June, 2017.


DONALD J. POLMANN, Ph.D., P.E.
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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.