

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide
wastewater service in Charlotte County by
Environmental Utilities, LLC.

DOCKET NO. 20240032-SU
ORDER NO. PSC-2024-0063-CFO-SU
ISSUED: March 11, 2024

ORDER GRANTING ENVIRONMENTAL UTILITIES, LLC'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 00712-2024)

On February 12, 2024, pursuant to Section 367.156, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Environmental Utilities, LLC (EU) filed a Request for Confidential Classification (Request) of certain information contained in portions of the Financial Statement provided in support of EU's financial ability to provide utility service (Document No. 00712-2024). This request was filed in Docket No. 20240032-SU.

Request for Confidential Classification

EU contends that designated portions of the Financial Statement constitute proprietary confidential business information entitled to protection under Section 367.156, F.S., and Rule 25-22.006, F.A.C. EU asserts that the confidential information in the documents consists of personal financial and other information such as personal residence, personal vehicles owned, personal investment, personal indebtedness, etc. EU argues that disclosure of the confidential information would impair the owner's competitive interests he may acquire in other utilities in the future. Consequently, EU requests that the Florida Public Service Commission (Commission) grant confidential classification for portions of the Financial Statement, pursuant to Section 367.156, F.S., and Rule 25-22.006, F.A.C.

Ruling

Section 367.156(1), F.S., provides that records the 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 personal financial and other 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. 00712-2024 shall be granted confidential classification under 367.156(4), F.S.

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 EU, 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 Gabriella Passidomo as Prehearing Officer, that Environmental Utilities, LLC’s Request for Confidential Classification of Document No. 00712-2024, is granted. It is further

ORDERED that the information in Document No. 00712-2024 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 EU 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 Gabriella Passidomo, as Prehearing Officer, this 11th day of March, 2024.



Gabriella Passidomo
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.

MRT

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.