

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of ST. GEORGE ISLAND) DOCKET NO. 871177-WU
 UTILITY COMPANY, LTD. for increased rates) ORDER NO.
 and service availability charges for water) ISSUED: 24024
 service in Franklin County) 1/24/91
)
)

ORDER DENYING CONFIDENTIAL TREATMENT

By Order No. 21122, issued April 24, 1989, this Commission established increased rates and charges for St. George Island Utility Company, Ltd. (St. George). However, the Commission also found that the quality of service provided by St. George was unsatisfactory, imposed a moratorium against any further connections, and required St. George to make a number of physical and recordkeeping improvements within certain time periods.

In July of 1990, the staff of the Commission (Staff) conducted a second supplemental audit by St. George to determine its compliance with the requirements of Order No. 21122. On August 10, 1990, Staff filed its second supplemental audit along with its audit workpapers. Included in the audit workpapers was a copy of a financial agreement, dated June 22, 1990, between Armada Bay Company, G. Brown and Company, Leisure Properties, Ltd., Gene D. Brown, and Fleet Finance and Mortgage, Inc.

On August 29, 1990, St. George filed a request for confidential treatment for the above-described agreement. In its request, St. George, argued that the document is a complex financial agreement between the parties, none of whom are subject to this Commission's jurisdiction. According to St. George, confidential treatment is appropriate "because the partys' [sic] respective interests with respect to competitors and creditors will be harmed if the details of this complex financing were to be made public." St. George's request did not, however, include an edited version of the agreement or a line-by-line justification for confidential treatment, as required by Rule 25-22.006(4), Florida Administrative Code.

Since St. George has the burden to prove that it is appropriate to grant confidential treatment, and since St. George failed to provide sufficient detail to perform a reasoned analysis of its request, it is denied.

Accordingly, it is

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that St. George Island Utilities Company, Ltd.'s request

DOCUMENT NUMBER-DATE


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for confidential treatment of the financial agreement included in Document No. 7236-90 is hereby denied.

By ORDER of Commission Betty Easley, as Prehearing Officer this 24th day of JANUARY, 1991.



BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)

BE/RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 sewer utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida

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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.