

State of Florida



ORIGINAL

Public Service Commission

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-M-E-M-O-R-A-N-D-U-M COMMISSION CLERK

DATE: August 23, 2006

TO: Rosanne Gervasi, Senior Attorney, Office of the General Counsel

FROM: Patti Daniel, Public Utilities Supervisor, Division of Economic Regulation

RE: Docket No. 050595-WS, Application for certificates to provide water and wastewater service in Polk County by Four Points Utility Corporation

On August 10, 2006, Four Points Utility Corporation filed a Request for Confidential Classification of an unaudited personal financial statement of Mr. David Meadows (Exhibit 4 to the Application). According to the Request, the disclosure of the financial information could negatively effect other business ventures of Mr. Meadows, the utility's sole shareholder which could then weaken the financial position of Mr. Meadows to the detriment of the utility and its ratepayers. This request is consistent with the Commission's decision in Order No. 20175, issued October 17, 1988, in Docket No. 861201-WS, to classify personal financial statements as confidential. Therefore, staff recommends that the request for confidential classification of the unaudited personal financial statement of Mr. David Meadows (Exhibit 4 to the Application) be granted.

cc: ~~CCA, Bureau of Records and Hearing Services~~
Office of the General Counsel
Cheryl Johnson
Tom Walden

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STATE OF FLORIDA

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ADMINISTRATIVE SERVICES
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DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

M-E-M-O-R-A-N-D-U-M

DATE: August 14, 2006

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE AND
CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 07205-06

DESCRIPTION: Four Points (May) - (CONFIDENTIAL) Exhibit "4" to application,
unaudited personal financial statement of utility owner.

SOURCE: Four Points Utility Corporation

DOCKET NO(S): 050595-WS

The above material was received with a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

Please read each of the following and check if applicable.

The document(s) is (are), in fact, what the utility asserts it (them) to be.

The utility has provided enough details to perform a reasoned analysis of its request.

The material has been received incident to an inquiry.

The material is confidential business information because it includes:

(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 company to contract for services on favorable terms;

(e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;

(f) Tax returns or tax-related information;

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

The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.

The material appears not to be confidential in nature.

The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Patricia Daniel

Date: 8/23/06

cc: GCL FLL
 CMP CCA
 ECR RCA

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the) DOCKET NO. 861201-WS
level of water and sewer earnings)
of Hydratech Utilities, Inc.,) ORDER NO. 20175
in Martin County.)
_____) ISSUED: 10-17-88

ORDER REGARDING CONFIDENTIALITY

Hydratech Utilities, Inc., has requested that the personal financial statements of its principals, Messrs. Keathley and Bobo, be classified as specified confidential material pursuant to Rule 25-22.006, Florida Administrative Code. These documents were filed in order to assist the Commission in evaluating the utility's motion to have a potential refund secured by the unconditional and irrevocable guarantees of the utility's principals.

Although, personal financial statements are not included in the examples of proprietary confidential business information listed in s. 367.156(3) , Florida Statutes, I believe the documents in question still qualify for specified confidential classification under Rule 25-22.006(4) (a), Florida Administrative Code. That subsection of the rule provides for confidential classification of documents which do not fit the statutory examples, but nevertheless could harm a utility or its rate payers, if publicly disclosed.

I find that public disclosure of the personal financial information in the documents could adversely impact on Messrs. Keathley's and Bobo's other business ventures, either by embarrassment or by placing them at a competitive disadvantage, and that such a weakening of their financial position could indirectly harm the utility or the rate payers. Therefore, I shall grant the utility's request.

In consideration of the above, it is

ORDERED that the personal financial statements of Terry Keathley and Gerald Bobo, filed in Docket No. 861201-WS, are hereby classified as specified confidential material and are exempt from the disclosure requirements of s. 119.07(1), Florida Statutes. It is further

ORDERED that if a protest is filed within 14 days of the date of this order it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.006(3) (d), Florida Administrative Code.

By ORDER of Commissioner John T. Herndon, as Prehearing

Officer, this 17th day of October, 1988.

JOHN T. HERNDON, Commissioner
and Prehearing Officer

(S E A L)

WJB

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