

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for certificates to provide water and wastewater service in Polk County by Four Points Utility Corporation.     DOCKET NO. 050595-WS  
ORDER NO. PSC-06-0852-CFO-WS  
ISSUED: October 12, 2006

ORDER GRANTING FOUR POINTS UTILITY CORPORATION'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 07205-06)

On August 10, 2006, pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Four Points Utility Corporation (Four Points or utility) filed a request for confidential classification of Exhibit 4 to the utility's application for original certificates to operate a water and wastewater utility in Polk County, Florida (Document No. 07205-06). Exhibit 4 contains the unaudited personal financial statement of the utility's owner.

Section 367.156(1), Florida Statutes, provides that "...any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." Section 367.156(3), Florida Statutes, 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.

Four Points contends that information contained in Exhibit 4 of the application contains proprietary confidential business information entitled to protection under Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. The utility states that this information is intended to be and is treated by the utility as private and has not been publicly disclosed. The utility further contends that disclosure of the specified confidential financial information contained in Exhibit 4 of the application could negatively affect other business ventures of the utility owner and sole shareholder, and that this, in turn, could weaken the financial position of the utility's owner to the detriment of the utility and its ratepayers. Moreover, the utility points out that this Commission has previously ruled that similar personal financial information was entitled to confidential classification because the release of the information could adversely impact the utility owner's other business ventures, weaken the owner's financial position, and thus indirectly harm the utility or its ratepayers.<sup>1</sup>

Upon review, it appears that the above-referenced information contained in Exhibit 4 of the application satisfies the criteria set forth in Section 367.156, Florida Statutes, for classification as proprietary confidential business information and, thus, shall be treated as confidential. Thus, this information is granted confidential classification.

<sup>1</sup> See Order No. 20175, issued October 17, 1988, in Docket No. 861201-WS, In Re: Investigation into the level of water and sewer earnings of Hydratech Utilities, Inc., in Martin County.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Pursuant to Section 367.156(4), Florida Statutes, the information for which confidential classification is granted herein 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), Florida Statutes, unless the utility 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 Isilio Arriaga, as Prehearing Officer, that Four Points Utility Corporation's Request for Confidential Classification of Document No. 07205-06 is granted. It is further

ORDERED that the information in Document No. 07205-06 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. 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 Isilio Arriaga, as Prehearing Officer, this 12th day of October, 2006.

  
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ISILIO ARRIAGA  
Commissioner and Prehearing Officer

( S E A L )

RG/pz

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 Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, 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.