

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in  
wastewater rates in Monroe County  
by KW Resort Utilities Corp.

Docket No. 070293-SU

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KW RESORT UTILITIES CORP'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION

KW Resort Utilities Corp ("KW"), by and through undersigned counsel, pursuant to Rule 25-22.006, hereby files this Request For Confidential Classification and would state and allege as follows:

1. The materials submitted herewith, as more specifically described on the Confidential Index appended hereto as Exhibit "A", are currently being maintained by the Commission in a Temporary Confidential Status. This Request for Confidential Classification is being made pursuant to Rule 25-22.006. This information is confidential, held private by its owners, and constitutes proprietary confidential business information which is owned or controlled by the person or entity to whom it pertains. This information is intended to be and is treated by all persons or entities

CMP \_\_\_\_\_ relevant hereto as private and has not been disclosed unless disclosed pursuant to a statutory  
COM \_\_\_\_\_  
CTR \_\_\_\_\_ provision, an Order of a Florida administrative body, or private agreement that provides that the  
ECR \_\_\_\_\_ information will not be released to the public.

GCL 1  
OPC \_\_\_\_\_ 2. The information includes, but is not limited to, tax returns for parties or entities other  
RCA \_\_\_\_\_ than the applicant (as well as the schedules thereto), minutes of annual board of directors meeting  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_ of KW, a confidential letter from a Certified Public Accountant, and such other related or pertinent  
SEC \_\_\_\_\_ papers as are described on the Confidential Index and which are protected from disclosure for

OTH conf records

DOCUMENT NUMBER-DATE

private, personal, and professional reasons by the persons or entities to whom they pertain.

3. The classification of this information as confidential will not harm the rate payers, the public, nor impede the Commission staff from the fulfillment of its duties and obligations in the pending rate case. OPC has already executed and provided to KW a Confidentiality Agreement that provides that all information, regardless of format, that KW designates confidential shall be maintained as confidential.<sup>1</sup> Any potential harm to either any individuals, or any other entity referenced herein, can be easily avoided, and the public interest will not suffer, if this motion is granted.

4. When reference to the Confidentiality Index, KW requests the following:

- a. The tax returns should be held as confidential to the extent indicated on the attached highlighted document. WS Utility, Inc. holds the financing note of KW, and provide no services or products. The disclosure of these tax returns, and the information reflected thereon, could place either WS or KW at a competitive disadvantage, could impair the efforts the utility or its affiliation to contract for services on favorable terms, and would result in the disclosure of information which is intended to be and is treated as private and has not been otherwise disclosed by the entity or persons affected.
- b. The Minutes of the Annual Meeting should be held as confidential to the extent indicated on the attached highlighted document. The Minutes of the Annual Meeting are private documents, are maintained as private documents, and should be afforded protection from disclosure due to their private and

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<sup>1</sup>By this filing, KW hereby designates the documents which are the subject of this Request as Designated Confidential Information for the purpose of the Confidentiality Agreement with OPC.

confidential nature. These Minutes are requested to be maintained as confidential in their entirety.

- c. The documents described in the Confidential Index is KEI Statement of Income & Expenses should be held as confidential to the extent indicated on the attached highlighted document. The documents relate to Keys Environmental, not the applicant, and the same are requested to be maintained as confidential in their entirety. Disclosure of these documents could place Keys Environmental at a competitive disadvantage, could impair the competitive businesses of the provider of the information, and could impair the efforts of Keys Environmental to contract for goods or services in favorable terms. The information therein is maintained by Keys Environmental as private, and constitutes as proprietary business information.
- d. The letter from Weiss, Sugar, Dvorak, and Dusek, Ltd. is requested to be classified as confidential to the extent indicated on the attached highlighted document. Mr. Smith is not the applicant, and public disclosure of his adjusted gross income for 2006 could place KW at a competitive disadvantage or impair the efforts of KW or its affiliate to contract for business services in favorable turns. Mr. Smith's adjusted gross income for 2006 is information which he has kept private, which he wishes to keep private, and which should be classified as confidential by the Commission.
- e. The documents designated on the Confidential Index as Review of Tax Returns should be held as confidential to the extent indicated on the highlighted attached. The information is, for the reasons stated above,

maintained as private, unnecessary to disclose in furtherance of the case, and disclosure of the same could place the utility in a competitive disadvantage or impair the abilities of the utility or its affiliates to contract for business services in favorable terms.

5. For all the reasons stated herein, KW respectfully requests that all of the information attached hereto and listed in the Confidential Index be classified as confidential by the Commission according to a 25-22.006, F.A.C.

WHEREFORE and in consideration of the above, KW respectfully requests that the Prehearing Officer grant the request for confidential classification for the reasons stated herein.

Respectfully submitted this 16th day of  
November, 2007, by:

Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
850-877-6555  
850-656-4029 FAX

A handwritten signature in black ink, appearing to read "John L. Wharton". The signature is fluid and cursive, with the first name "John" being the most prominent.

JOHN L. WHARTON  
F. MARSHALL DETERDING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to the following this 16th day of November, 2007:

Stephen C. Reilly, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400  
reilly.steve@leg.state.fl.us

Ralph Jaeger, Esquire  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
rjaeger@psc.state.fl.us



JOHN L. WHARTON

kw/request for confidential classification

STATE OF FLORIDA

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**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: November 16, 2007

TO: John L. Wharton/Rose Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 070293-SU or, if filed in an undocketed matter, concerning Exhibit A (tax returns and minutes of annual board of directors meeting), and filed on behalf of K W Resort Utilities Corp. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER-DATE  
10343 NOV 16 2007  
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