

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

For DN 00880-12, which
is in locked storage. You must be
authorized to view this DN.-CLK

REDACTED

February 15, 2012

VIA HAND DELIVERY

Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
12 FEB 15 PM 2:07
COMMISSION
CLERK

Re: Application of Grove Land Utilities, LLC; PSC Docket No. 090445-WS
Request for Confidential Classification

Dear Clerk:

Enclosing for filing in this matter, please find an original with attachments and seven copies (without attachments) of a Request for Confidential Classification in this matter. The attachments are two redacted versions of the confidential material and the non-redacted confidential attachment is in an envelope marked "CONFIDENTIAL".

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

JOHN L. WHARTON
For the Firm

JLW/bsr
Enclosures

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APA _____
ECR 5 + 1 redacted Attachment A
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DOCUMENT NUMBER-DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Grove Land Utilities, LLC
to operate a Water and Wastewater Utility
in Indian River, Okeechobee and St. Lucie
Counties, Florida.

Docket No. 090445-W⁶₅
Filed: February 15, 2012⁷

REQUEST FOR CONFIDENTIAL CLASSIFICATION

GROVE LAND UTILITIES, LLC ("Grove Land" or "the Company"), by and through its undersigned counsel, and pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain materials provided here within response to staff request . Attached to this Request is an envelope marked "CONFIDENTIAL" containing the sole copy of the confidential information being provided. Two public, redacted versions of the confidential information are also provided with this Request. In support of this Request, Grove Land states as follows:

1. Subsection 367.156(1), Florida Statutes, provides that upon request, records received by the PSC which are "found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s.119.07(1)."

2. "Proprietary confidential business information" is defined as meaning information, regardless of form or characteristics, which is owned or controlled by the Company, is intended to be and is treated by the Company as private in that the disclosure of the information would cause harm to the ratepayer or the Company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Section 367.156(3), Florida Statutes.

3. Proprietary confidential business information includes, but is not limited to, information concerning:

- (a) trade secrets;
- (b) internal auditing controls and reports of internal auditors;
- (c) security measures, systems, or procedures:

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(d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms;

(e) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information;

(f) employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Section 367.156(3), Florida Statutes.

4. The confidential portions of the information being provided to the Commission fall within these statutory definitions, and therefore constitute proprietary confidential business information entitled to protection under Section 367.156(3) and Rule 25-22.006.

5. Other than slight modifications deemed necessary to update the verbiage, this filing is entirely consistent with the Request for Confidential Classification filed by Grove Land on November 18, 2009 in this same docket. As a result of that initial Request, the 2008 version of the attached was afforded confidential treatment. That document was returned to Grove Land by the Commission in January, 2012. This document is hereby tendered for the Commission in response to staff's letter of February 10, 2012 requesting the most recent financial statement of the ultimate parent of Grove Land, Evans Properties, Inc.

6. **Attachment 1** to this Request consists of financial statements for Evans Properties, Inc. ("Evans"), the ultimate parent of the Company. As Evans is privately-held, this information has not been released to the public, and is treated by Evans as private, confidential information, the release of which could have a severe impact on business operations and private negotiations. The subject information is therefore proprietary confidential business information and is entitled to protection under Section 367.156(3) and Rule 25-22.006.

7. For the same reason set forth herein in support of its request for confidential classification, Grove Land also moves the Commission for entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the confidential information from public disclosure.

8. Pursuant to Section 367.156(4), Florida Statutes, and Rule 25-22.006(9), Florida Administrative Code, Grove Land requests that the information described above as proprietary confidential business information be protected from disclosure for a period of at least 18 months and all information should be returned to the company as soon as the information is no longer necessary for the Commission to conduct its business.

Respectfully submitted this 15th day of February, 2012.



John L. Wharton
Sundstrom, Friedman & Fumero, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301
Telephone: (850) 877-6555
Facsimile: (850) 656-4029
Attorneys for Grove Land Utilities, LLC

Attachment 1

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Attachment 1

DOCUMENT NO. DATE

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FPSC - COMMISSION CLERK

Evans Properties, Inc. and Subsidiaries



Contents

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