

Florida Regional Office  
1201 E. Skipper Road  
Tampa, FL 33613

Tel 813.972.9000  
Fax 813.971.0691  
www.cal-am.com

12 MAY 15 2012

May 14, 2012

RE: Docket # 120014-WS

Oswaldo Torres  
1201 E. Skipper Rd, Tampa, Fl 33613  
813.527.1388  
Wallyt@cal-am.com

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COMMISSION  
CLERK

Docket # 120014-WS Application of authority to transfer of facilities and Certificate nos.  
548 W and 478 S from WP Utilities to CAP Utilities, in Palm Beach County

File on behalf of CAP Utilities

Request for Confidential Classification - one page

Contract Highlighted - 14 pages

Contract Redacted - 14 pages

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

Thank you!



Oswaldo "Wally" Torres  
Regional Property Manager  
Cal-Am Properties Inc.  
Wallyt@cal-am.com  
813.528.1388 Direct

For DN 03090-12, which  
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**CAP UTILITIES, LLC's**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

CAP UTILITIES, LLC., by and through its undersigned counsel, files this request for Confidential Classification in relation to documents submitted in connection with the Utility's responses to the Commission's request for items to complete the application for authority to transfer of facilities and Certificate Nos. 548-W and 478-S from W.P. Utilities to CAP Utilities, LLC, in Palm Beach County, Docket No. 120014-WS.

1. Under Section 367.156, Florida Statutes, this Commission has the authority to classify certain material as proprietary confidential business information. This classification exempts the material from public disclosure under Section 119.07 (1), Florida Statutes.
2. The Utility requests that certain information provided to the Commission in connection with Docket No. 120014-WS be classified as proprietary confidential information under Section 367.156 (2), Florida Statutes, and Rule 25-22.006, Florida Administrative Code (the "Confidential Information"). If this request is granted, then the subject portions of said response to Docket No. 120014-WS will be exempt from Section 119.07 (1), Florida Statutes. Attached hereto as Exhibit "A" is a Justification Matrix providing a justification for the Utility's request. The information is enclosed herein both in highlight and redacted format.
3. The information produced in response to the Commission's request for a copy of the sales contract is intended to be and is treated by the Utility as private and confidential and has not been disclosed externally and has been strictly controlled internally.
4. The sales contract covers both the purchase of the utility company assets as well as the mobile home park itself (the real property, improvement, non-utility company equipment and other assets and rights). Accordingly, the purchase price set forth in the sales contract covers not only the cost of the utility company's assets but all of those other assets, too. The purchaser of the mobile home park considers the purchase price for the real property and related non-utility company assets as trade secrets, proprietary and confidential. Accordingly, we request that the copy of the sales contract and the information concerning the purchase of the real property and non-utility company assets, and terms of financing be classified as proprietary confidential information as its disclosure would impair rights and interest of the utility company and, more importantly, the affiliated entity that purchased the real property, in being competitive interest when negotiating in future purchases and in dealing with other third parties. This information is not relevant to transfer of certificates (other than, and solely, to demonstrates that the subject utility company assets were so purchased).

WHEREFORE, CAP UTILITIES, LLC. requests this Commission find and determine that the described documents are entitled to confidential treatment pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and exempt from public disclosure.

**KARNO, SCHWARTZ & FRIEDMAN**  
A Partnership of Professional Corporations  
16255 Ventura Blvd. Suite 1200  
Encino, California 91436  
Telephone: (818) 981-3400  
Facsimile: (818) 981-2149

  
\_\_\_\_\_  
Kenneth L. Friedman

DOCUMENT NUMBER-DATE

03089 MAY 15 20

FPSC-COMMISSION CLERK

<u>Location</u>	<u>Justification</u>
(Specific request with page number)	<i>Please note: All information for which the Utility requests confidential treatment has been kept confidential by the Utility, and intends to keep such information confidential.</i>
Page 1	<p>§367.156 (3)(a), §367.156 (3)(d), §367.156 (3) (e)  Disclosure of trade secrets and information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility or its affiliates to contract goods or services on favorable terms. Information relating to competitive interests, the disclosure of which would impair the competitive businesses of the provider of the information.</p> <p>The purchase price of the Utility Company as well as as the Mobile Home Park itself (the real property, improvements, non-utility company equipment, and other assets and rights), along with the amount set forth as a deposit for the purchase, and the amount of financing, are all listed in the contract. The purchaser of the mobile home park considers the purchase price for the real property, related non-utility company assets, deposit amount and financing as trade secrets and proprietary business information and confidential. The Utility respectfully requests that this information be kept confidential. Disclosure of this information would impair the rights and the interest of the Utility Company and, more importantly, the affiliated entity that purchased the real property, in being competitive interest when negotiating in future purchases and in dealing with other third parties. This information is not relevant to the transfer of certificates.</p>
Page 10 and 11	<p>§367.156 (3)(a), §367.156 (3)(d), §367.156 (3) (e)  Disclosure of trade secrets and information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility or its affiliates to contract goods or services on favorable terms. Information relating to competitive interests, the disclosure of which would impair the competitive businesses of the provider of the information.</p> <p>The amount listed as cost of repair in the event of destruction or damage and condemnation is not relevant to the transfer of certificates.  The purchaser of the mobile home park considers the purchase price for the real property, related non-utility company assets, deposit amount and financing as trade secrets and proprietary business information and confidential. The Utility respectfully requests that this information be kept confidential. Disclosure of this information would impair the rights and the interest of the Utility Company and, more importantly, the affiliated entity that purchased the real property, in being competitive interest when negotiating in future purchases and in dealing with other third parties.</p>