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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Bluefield Utilities, LLC to operate a Water and Wastewater Utility in Martin and St. Lucie Counties, Florida.

Docket No. 090459-WS

Filed: February 4, 2013

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

REQUEST FOR CONFIDENTIAL CLASSIFICATION

For DN 0069213 which is in locked storage. You must be authorized to view this DN.-CLK

BLUEFIELD UTILITIES, LLC ("Bluefield"), 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 as responsive to a staff request dated January 3, 2012. 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, Bluefield 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 for the purposes of this request as meaning information, regardless of form or characteristics, which is intended to be and is treated by Bluefield as private in that the disclosure of the information would cause harm to the ratepayer or Bluefield'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:

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- (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 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. See Section 367.156(3), Florida Statutes.

4. The confidential portions of the information in Attachment 1 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 Bluefield on November 18, 2009 in this same docket. As a result of that initial Request, the 2008 version of the attached was provided to the Commission and was afforded confidential treatment. That document was returned to Bluefield by the Commission in January, 2012. This document is hereby tendered to the Commission in response to paragraph 7 of staff's letter of January 3, 2012.


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. As staff is aware, all objections to this Application have been resolved. Affording confidential treatment to Attachment 1 will neither prejudice the public nor the Commission.

7. To the extent necessary to protect this information from disclosure, and for the same reasons set forth herein in support of its request for confidential classification, Bluefield 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, Bluefield 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 4th day of February, 2013.


John L. Wharton
Sundstrom, Friedman & Fumero, LLP
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Tallahassee, FL 32301
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Facsimile: (850) 656-4029
Attorneys for Bluefield Utilities, LLC

Attachment 1

Evans Properties, Inc. and Subsidiaries

Consolidated Financial Report
December 31, 2011

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Independent Auditor's Report

To the Board of Directors
Evans Properties, Inc. and Subsidiaries
Vera Beach, Florida

We have audited the accompanying consolidated balance sheets of Evans Properties, Inc. and Subsidiaries as of December 31, 2011 and 2010, and the related consolidated statements of operations, stockholders' equity and cash flows for the years then ended. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the consolidated financial statements referred to above present fairly, in all material respects, the financial position of Evans Properties, Inc. and Subsidiaries as of December 31, 2011 and 2010, and the results of their operations and their cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

McGladrey & Pullen, LLP

Orlando, Florida
March 19, 2012

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Notes to Consolidated Financial Statements

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Evans Properties, Inc. and Subsidiaries

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