

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for an original certificate of authorization for a proposed or existing system requesting initial rates and charges (Wastewater Utility) for Sunny Shores Water Company

DOCKET NO. 160219-SU

FILED: October 26, 2016

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COMMISSION
CLERK

REQUEST FOR CONFIDENTIAL CLASSIFICATION

Sunny Shores Water Company (“Sunny Shores”), the Applicant in the above-referenced matter, by and through its undersigned counsel and pursuant to Section 367.125, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests that the Florida Public Service Commission (the “Commission”) classify as confidential the attached Confidential Exhibit D to the application for original certificate of authorization for existing utility currently charging for service pursuant to Rule 25-30.034, Florida Administrative Code for Sunny Shores (the “Application”) being filed concurrently with this Request for Confidential Classification. In support of its request, Sunny Shores states:

1. The Application requires the “personal financial statements” of Sunny Shores’ owners, Jack E. Mason to Jack E. Mason, II and Debbie A. Mason.
2. Pursuant to that requirement, attached to the Application as Confidential Exhibit D is the unaudited personal financial statement of Sunny Shores’ owners, Jack E. Mason and Debbie Mason. The information contained in Confidential Exhibit D is entitled to confidential classification pursuant to Section 367.156, Florida Statutes, and is exempt from Section 119.07, Florida Statutes, because it is “proprietary confidential business information.”
3. Section 367.156(3), Florida Statutes, defines “proprietary confidential business information” as:

information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or 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 a private agreement that provides that the information will not be released to the public.

4. Confidential Exhibit D contains information which (i) is intended to be and is treated by the Applicant as private, and (ii) has not been voluntarily disclosed to the public. As such, and in accordance with prior Commission rulings, Confidential Exhibit D should be classified as confidential under Section 367.156, Florida Statutes. See e.g. Order No. PSC-06-0852-CFO-WS, Docket No. 050595-WS, In re: Application for certificates to provide water and wastewater service in Polk County by Four Points Utility Corporation (October 12, 2006) (“Upon review, it appears that the above-referenced information contained in Exhibit 4 of the application [—the unaudited financial statement of the utility’s owner—] 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”).

5. Pursuant to Rule 25-22.006, Florida Administrative Code, attached to the Application in a sealed envelope is a copy of Confidential Exhibit D. Because Confidential Exhibit D is confidential in its entirety pursuant to Section 367.156(3), Florida Statutes, there is no basis for articulating a line-by-line justification for the confidential treatment of the information contained therein.

WHEREFORE, Sunny Shores respectfully requests that the information contained in Confidential Exhibit D to the Application be classified as confidential and exempt from the Public Records Act, Chapter 119, Florida Statutes. Sunny Shores further requests that the confidential information in Confidential Exhibit D be classified by PSC as confidential for the

maximum period of time allowed, and that Confidential Exhibit D be returned promptly to Sunny Shores upon closure of this docket.

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By: /s/ Meghan O. Serrano
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true and correct copy of the foregoing was furnished to the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

By: /s/ Meghan O. Serrano
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