

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of water and wastewater facilities of Tradewinds Utilities, Inc., water Certificate No. 405-W, and wastewater Certificate No. 342-S to CSWR-Florida Utility Operating Company, LLC, in Marion County.

DOCKET NO. 20220063-WS
ORDER NO. PSC-2023-0296-CFO-WS
ISSUED: September 29, 2023

ORDER GRANTING CSWR-FLORIDA UTILITY
OPERATING COMPANY, LLC'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 04207-2022)

On June 23, 2022, pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), CSWR-Florida Utility Operating Company, LLC (CSWR-FL) filed a request for confidential classification (Request) of certain affiliate financial information submitted as a supplement to Exhibit D to the Application it filed on March 15, 2022, and in response to discovery requests from the Office of Public Counsel (Document No. 04207-2022). This request was filed in Docket No. 20220063-WS.

Request for Confidential Classification

CSWR-FL was created in March 2021 solely to acquire and operate water and wastewater systems in Florida and has no financial statements of its own. CSWR-FL represents that CSWR, LLC will invest sufficient equity for the proposed acquisition, will fund necessary capital improvements, and will provide working capital until compensatory rates are implemented and CSWR-FL becomes self-sufficient. Accordingly, CSWR-FL submitted the consolidated financial statements of CSWR, LLC and its subsidiaries to satisfy the financial submission requirements in Part II-B of the Application. CSWR-FL asserts that these financial statements are not publicly available and are treated as proprietary. CSWR-FL states that the disclosure of the confidential financial information would impair the business and competitive interests of CSWR, LLC and, in turn, CSWR-FL. On these bases, CSWR-FL argues that such information is entitled to protection pursuant to Section 367.156(3)(d) and (e), Florida Statute (F.S.).

CSWR-FL contends that the financial statements are entitled to protection under Section 367.156, Florida Statutes (F.S), and Rule 25-22.006, F.A.C. CSWR-FL asserts that the information is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. CSWR-FL argues that such information is entitled to confidential classification pursuant to Section 367.156(3)(d) and (e), F.S. as a "trade secret," as information concerning bids or other contractual data, and as information relating to competitive processes. CSWR-FL requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 367.156(4), F.S.

Ruling

Section 367.156(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 367.156(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 367.156(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

(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.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 367.156(3), F.S., for classification as proprietary confidential business information. The information described above and in CSWR-FL's Request appears to contain information concerning bids or other contractual data, the disclosure of which would impair the efforts of CSWR-FL to contract for goods or services on favorable terms, and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified in Document No. 04207-2022 shall be granted confidential classification.

Pursuant to Section 367.156(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless CSWR-FL, or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Mike La Rosa as Prehearing Officer, that CSWR-Florida Utility Operating Company, LLC's Request for Confidential Classification of Document No. 04207-2022, is granted. It is further

ORDERED that the information in Document No. 04207-2022 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless CSWR-

FL or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Mike La Rosa, as Prehearing Officer, this 29th day of September, 2023.



Mike La Rosa
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code.

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Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.