

**Ruth Nettles**

090445-WS

**From:** George Glenn [gglenn@ircgov.com]  
**Sent:** Wednesday, December 02, 2009 2:58 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Motion to Oppose Confidential Classification  
**Attachments:** Original Motion to Oppose Confidential Classification..pdf

Please accept this as my original. I will send out copies by US mail to the applicant and interested parties.

Sincerely yours,

S/George A. Glenn

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**CLK** IC. Peña

DOCUMENT NUMBER-DATE  
11710 DEC-28  
FPSC-COMMISSION CLERK

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  
2009  
Counties, Florida.

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Docket No. 090445-WS

Filed: \_\_\_\_\_

INDIAN RIVER COUNTY'S OBJECTION TO REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF FINANCIAL STATEMENTS

Indian River County, by and through its undersigned counsel, and pursuant to Rule 25-22.006(3)(b) Florida Administrative Code, hereby objects to Grove Land Utilities, LLC's ("Grove Land") request that the financial statements for Evans Properties, Inc. ("Evans"), the ultimate parent company of Grove Land, be kept confidential.

1. Subsection 367.156(1), Florida Statutes, does permit the Public Service Commission (PSC) to grant a request that proprietary confidential business information be exempt from § 119.07(1), F.S. in limited circumstances.

2. Proprietary confidential business information is defined in 367.156(3), F.S. as

"Proprietary confidential business information means 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. Proprietary business information includes, but is not limited to:

- (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 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 businesses of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. “

3. In its filing for confidential status of its financial statements, Grove Land states that “the release of which could have a severe impact on business operations and private negotiations.”

4. The standard found in §367.156(3), F.S. for proprietary confidential business information is not one which “could have a severe impact on business operations” as Grove Land asserts, but rather, the release of which “would cause harm to the ratepayers or the person's or company's business operations”.

5. Neither Grove Land nor Evans has demonstrated a factual scenario on how the disclosure of the financial statements would harm ratepayers or the company’s business operations. There is merely an unsubstantiated assertion that such disclosure could have a severe impact on business operations.

6. Rule 25-30.033(e), F.A.C., requires a statement demonstrating the financial ability of the applicant to provide service, while Rule 25-30.033(r), F.A.C., requires a detailed financial statement from the applicant.

7. It is clear that the detailed financial statement (balance sheet, income statement, etc) is there to provide evidence of the applicant’s financial ability to provide service.

8. For the PSC to permit the financial statements to be confidential from the public view would prevent the public and interested parties from ensuring the financial ability of the applicant to provide service.

9. That while the definition of proprietary confidential business information includes a non-exclusive list in §367.156(3), F.S., financial statements do not fall within any specified area and it would have been easy for the legislature to include financial statements if that was the intent.

10. In Re Farnton Water Resources LLC, Docket No. 021256-WU, PSC-04-0980-FOF-WU, interested parties challenged the applicant's supposed demonstration of financial ability, and while the PSC found financial ability did exist, it relied on the financial statements provided. (p.20)

**WHEREFORE, INDIAN RIVER COUNTY PRAYS THE PUBLIC SERVICE COMMISSION DENY APPLICANT'S REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was furnished via U.S. Mail this 02 day of December, 2009 to:

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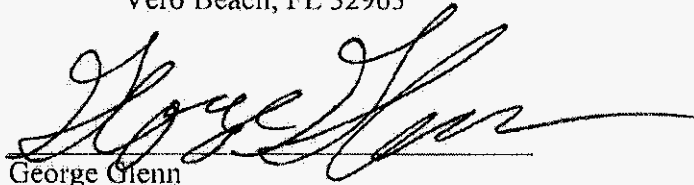
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