

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in
water/wastewater rates in Polk County by
Cypress Lakes Utilities, Inc.

DOCKET NO. 130212-WS
ORDER NO. PSC-14-0222-CFO-WS
ISSUED: May 9, 2014

ORDER GRANTING CYPRESS LAKES UTILITIES, INC.'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 00907-14)

On February 24, 2014, pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), Cypress Lakes Utilities, Inc. (Cypress Lakes or Utility) filed a request for confidential classification (Request) of certain materials submitted by Cypress Lakes in connection to a staff audit, Audit Control No. 13-296-4-2 (Document No. 00907-14). Cypress Lakes asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. Cypress Lakes requests that the Commission grant confidential classification for the documents pursuant to Section 367.156, Florida Statutes (F.S.).

Section 367.156(1), F.S., provides that “any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1) [the Public Records Act].” Section 367.156(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the person or company as private, in that disclosure of the information would cause harm to the person’s or company’s ratepayers or business operations, and has not been disclosed to the public. Section 367.156(3), F.S., provides that 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.
- (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 and 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.

Cypress Lakes contends that the information, described with specific justification in Exhibit A to its Request, is intended to be, and is treated as, confidential by the utility and has not been otherwise publicly disclosed. Cypress Lakes contends that the information conforms to the above requirements and is generally described as employee compensation information that relates to the utility’s competitive interests. The utility argues that disclosure of the information would impair its competitive interests by providing other utility companies information to lure employees away, thereby driving up salaries and rates. Additionally, the utility argues that the

disclosure of this information would create circumstances under which infighting and employee morale could be negatively affected. Based on the foregoing, the Company asserts that the information is entitled to confidential classification pursuant to Section 367.156(3)(e), F.S., and Rule 25-22.006, F.A.C.

Time Period

Cypress Lakes requests confidential classification for this information for a period of 18 months. According to Section 366.093(4), F.S., confidential classification may only extend for 18 months from the issuance of an Order granting confidential classification unless “the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period.”

Ruling

Upon review, the specific portion of the document for which confidential classification is sought appears to be information related to the competitive interests of Cypress Lakes in accordance with the requirements of Section 367.156, F.S. and Rule 25-22.006, F.A.C.

I therefore find that the information contained in Document No. 00907-14 satisfies the criteria set forth in Section 367.156(3), F.S., for classification as proprietary confidential business information. Thus, the information contained in Document No. 00907-14 shall be granted confidential classification for a period of 18 months.

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Cypress Lakes Utilities, Inc.’s Request for Confidential Classification of information contained within Document No. 00907-14 is granted. It is further

ORDERED that the information in Document No. 00907-14 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 Cypress Lakes 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 Lisa Polak Edgar, as Prehearing Officer, this 9th day of
May, 2014.



LISA POLAK EDGAR
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. 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.