

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of rates of Mid-County Services, Inc. in Pinellas County for possible overearnings.

DOCKET NO. 120076-SU
ORDER NO. PSC-14-0527-CFO-SU
ISSUED: October 2, 2014

ORDER GRANTING MID-COUNTY SERVICES INC.'S REQUEST FOR CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 00304-12)

On January 17, 2012, pursuant to Section 367.156, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Mid-County Services Inc. (Mid-County), files this Request for Confidential Classification (Request) for documents submitted in connection with the Public Service Commission Staff's Audit identified as Audit Control No. 11-230-4-1. This Request was filed in Docket No. 120076-SU.

Request for Confidential Classification

Mid-County contends that the information provided in its filing on January 17, 2012, as more specifically described in Exhibit C attached to Mid-County's Request, constitutes proprietary confidential business information entitled to protection under Section 367.156, F.S., and Rule 25-22.006, F.A.C. Mid-County argues that this information is intended to be and is treated by Mid-County as private and has not been publicly disclosed.

Mid-County is requesting confidential classification of the responsive information because the information consists of employee's name and title, base salary; overtime, raises, taxes, pension information and total compensation. Furthermore, disclosure of this information would impair the Utility's competitive interests, provide other utility companies information to lure employees away (thereby driving up salaries and rates), and create circumstances under which infighting and employee morale could be negatively affected.

Ruling

Section 367.156(1), F.S., provides that records the Florida Public Service Commission has found to contain proprietary business information shall be kept confidential and 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 Utility as private, in that disclosure of the information would cause harm to the Utility's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 367.156, 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 appears to be information concerning bids or other contractual data, the disclosure of which would impair the efforts of Mid-County or its affiliates to contract for goods or services on favorable terms. The information also contains information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of said information. Therefore, the information identified in Document No. 00304-12 shall be granted confidential classification.


Based on the foregoing, it is hereby

ORDERED by Chairman Art Graham, as Prehearing Officer, that Mid-County Development Utilities, LLC.'s Request for Confidential Classification is granted. It is further

ORDERED that the information identified in Document No. 00304-12 for which confidential classification has been granted shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order. 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 Chairman Art Graham, as Prehearing Officer, this 2nd day of
October, 2014.



ART GRAHAM
Chairman 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.

MTL

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.