

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to operate
a water utility in Hardee County by
Charlie Creek Utilities, LLC

Docket No. 1501864-WU

COMMISSION
CLERK

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REQUEST FOR CONFIDENTIAL CLASSIFICATION

Michael Smallridge (“Smallridge”), and Charlie Creek Utilities, LLC (“Utility”) by and through their undersigned counsel, files this Request for Confidential Classification in relation to certain Responses to Staff’s Request for Additional Information dated September 4, 2015.

1. Pursuant to 367.156, Florida Statutes, this Commission has the authority to classify certain material as proprietary confidential business information. This classification exempts the material from public disclosure under Section 119.07(1), Florida Statutes.

2. Smallridge and Utility request that Mr. Smallridge’s personal financial statement filed in response to Staff’s Request for Additional Information dated September 4, 2015 be classified as proprietary confidential business information pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code (the “Confidential Information”). If this request is granted, then the subject portions of said document will be exempt from Section 119.07(1), Florida Statutes. Attached hereto as Exhibit “A” is a Justification Matrix providing a justification for Smallridge and Utilities’ request. The information is attached hereto both in highlighted and redacted format.

3. The information produced is intended to be and is treated by Smallridge and Utility as private and confidential and has not been disclosed externally and has been strictly controlled internally.

4. The information consists of the personal financial information of the owner of Utility. This information should be classified as proprietary confidential business information because it is the personal financial information of the owner unrelated to his compensation from the Utility, and

disclosure would impair the owner's competitive interests as he moves to acquire other systems in the future.

5. A portion of the information consists of employee's name and salary. This information should be classified as proprietary confidential business information because its disclosure 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. See, *Florida Power & Light Company et al. v. Public Service Commission*, 31 So. 3d 860 (Fla. 1st DCA 2010).

6. Requiring the disclosure of each employee's compensation information violates each employee's right to privacy under Article I, Section 23 of the Florida Constitution.

WHEREFORE, Michael Smallridge requests confidential treatment of the referenced documents and the entry of the protective order that is consistent with this Motion.

Respectfully submitted this 29th day of
September, 2015, by:

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/s/ Martin S. Friedman
MARTIN S. FRIEDMAN
Florida Bar No.: 0199060
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 140176-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification is being e-filed with the PSC Clerk and copies furnished by E-Mail to the following parties this 29th day of September, 2015:

Danijela Janjic, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
djanjic@psc.state.fl.us

/s/ Martin S. Friedman
MARTIN S. FRIEDMAN
For the Firm

JUSTIFICATION MATRIX

Location (Document name and location of information)	Justification
<p><u>Schedule 11 – Personal Property</u> All</p> <p><u>Schedule 18 - Personal Financial Statement</u> Section 3 – The specific identification of “other assets” and all dollar amounts. Section 4 – The specific identification of “other expenses” and all dollar amounts. Section 5 – Dollar amounts Schedules A, B, D, E, G and H – All information Schedule C – The Source of value and Net Value columns Schedule F – The loan balance, monthly payment and market value. The other information is a matter of public record. Personal Information Social Security Number</p> <p><u>Schedule 19 – Personal 1099</u> The bank account number and taxpayer numbers, and amount of compensation.</p> <p><u>Schedule 20 – Salary Information</u></p>	<p>This is personal property owned by Mr. Smallridge and has no effect on his compensation from the Utilities. Further, if disclosed publicly it could lead to burglary or worse.</p> <p>The requested financial information of the owner is not related to any ratemaking function with regard to the Utility.</p> <p>The financial information relates to the owner in his ownership capacity, and is not information of the Utility.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the owner.</p> <p>Same as above</p> <p>§367.156(3)(d) Disclosure of compensation data, tax data, benefits data, overtime data and salary increase data would impair the ability of the Utility to contract for employees on favorable terms.</p> <p>§367.156(3)(e) Disclosure of the compensation data would impair the Utility’s competitive interests as described in <i>Florida Power & Light Company et al. v. Public Service Commission</i>, 31 So. 3d 860 (Fla. 1st DCA 2010). The Utility keeps this information strictly confidential to prevent other utilities from stealing their employees and to prevent lowered morale and infighting among employees who have the same position but varying wages.</p>

CenterState Bank

Personal Financial Statement

To: CenterState Bank of Florida (the Bank)

Please read the following directions before completing this Personal Financial Statement.

1. Complete all sections, except Section 2, if you are applying for individual credit in your own name and are relying solely on your own income or assets for repayment or if this personal financial statement relates to your guaranty of the indebtedness of other person(s), firm(s), or corporation(s).
2. Also, complete Section 2 if any of the following apply:
 - If you are applying for joint credit with another person, provide information about the joint applicant.
 - If you are relying on income from alimony, child support, or separate maintenance or on the income or assets of another person as a basis for repayment of the credit requested, provide information about the person on whose alimony, support or maintenance payments or income or assets you are relying.
 - If this is a joint guaranty of the indebtedness of other person(s), firm(s), corporation(s), provide information about the joint guarantor.

Section 1 – Individual/Applicant Information (please print)			Section 2 – Other Party/Co-Applicant Information		
Name Michael Andrew Smallridge			Name		
Residence Address 9539 E. Southgate Dr			Residence Address		
City	State	Zip Code	City	State	Zip Code
Inverness	FL	34450			
Position or Occupation Utility Owner-Self employed.			Position or Occupation		
Business Name Florida Utility Services 1, LLC			Business Name		
Business Address 3336 Grand Blvd Suite 102			Business Address		
City	State	Zip Code	City	State	Zip Code
Holiday	FL	34690			
Years with Business 25			Years with Business		
Res. Phone (██████-7406)	Bus. Phone (863-904-5574)		Res. Phone ()	Bus. Phone ()	

CONFIDENTIAL

Statement of Financial Condition as of June 20 _____, 2015

Section 3 – Balance Sheet (attach additional schedules as needed)

Assets	Dollars	Jt*	Liabilities	Dollars	Jt*
Cash and Short-term Investments (Sch A)			Outstanding Credit Card Balances		0
Stocks and Bonds (readily marketable) (Sch B)			Taxes Payable		0
Unlisted Securities (Sch C)			Policy Loan (life insurance) (Sch D)		0
Notes Receivable & Accounts Receivable			Mortgages & Obligations Due (Schs F & G)		0
Cash Surrender Value-Life Insurance (Sch D)			Notes & Accounts Payable (Sch H)		0
General/Ltd Partnership Interests (Sch E)			Other Liabilities (list):		0
Retirement Accounts					
Personal Property					
Automobiles					
Real Estate – Personal Residences (Sch F)					
Real Estate – Investments (Sch G)					
Real Estate Investments (Direct & Partnership Interests)					
Other Assets (list):					
Loans to utilities					
TOTAL ASSETS			TOTAL LIABILITIES		
			NET WORTH (total assets minus total liabilities)		

Section 4 – Income Statement

Annual Income	Applicant	Co-Applicant	Annual Expenses	Applicant	Co-Applicant
Salary		0	Home Mortgage (Principal & Interest)		0
Bonus and Commissions		0	Loan Payments (including other R/E)		0
Interest and Dividends		0	Income Tax (State & Federal)		0
Alimony, Separate Maintenance, Child Support**		0	Planned or Required Investments/ Partnership Contributions		0
Capital Gains		0	General Living Expenses		0
Real Estate Income		0	Other Expenses (list):		0
Other Income (list):		0	Royal Oaks HOA		
			Moonrise HOA		
GROSS INCOME			TOTAL EXPENSES		

Section 5 – Contingent Liabilities (include brief description)

	Applicant	Co-Applicant
As endorser or guarantor on notes/leases/contracts: 0		
On letters of credit:		
Current or pending suits or other litigation:		
Other (Partnership, etc.) explain: 0		
TOTAL		\$

* Please check if jointly owned with spouse or other party listed in Section 2.

** Alimony, separate maintenance, and/or child support income need not be revealed if you do not wish to have it considered as a basis for repaying this obligation.

Schedule A: Cash & Short-term Investments (certificates of deposit, commercial paper, money market funds, etc.)

Name of Institution	Savings Accts. (\$ amount)	Checking Accts. (\$ amount)	Other Short-term investments (type and \$ amount)	Total	Pledged? (Y/N)	Owner(s) Code*

Schedule B: Listed Stocks & Bonds (include U.S. Government and Marketable Securities traded on stock exchange)

Number of Shares or Face Value (Bonds)	Description	Market Value	Margin? (Y/N)	Restricted? (Y/N)	Pledged? (Y/N)	Owner(s) Code*

Schedule C: Unlisted Securities (closely held corporation NOT listed on stock exchange)

Number of Shares	Description	Source of Value	Value	% of Company Owned	Pledged? (Y/N)	Owner(s) Code*
0	See attached.					

Schedule D: Life Insurance Carried (include individual and group insurance)

Name of Insurance Company	Owner of Policy	Beneficiary	Face Value	Policy Loans	Cash Surrender Value	Assigned? (Y/N)

Schedule E: General and/or Limited Partnership Interests (please attach K-1 from Partnership tax return)

Name of Partnership	Type of Investment	(L)imited (G)eneral	Amount Invested	Fair Market Value of Interest	Annual Contribution Required	Pledged? (Y/N)	Owner(s) Code*

* Owner(s) Code: A=Applicant AC=Joint Account of Applicant and Co-Applicant JC=Joint Account of Co-Applicant and another party
C=Co-Applicant JA=Joint Account of Applicant and another party

Schedule F: Real Estate (personal residences)

Description/Address of Property	Mortgage Holder	Maturity Date	Title in Name of	Purchase Date	Cost	Present Loan Balance	Monthly Paymt.	Market Value

Schedule G: Real Estate Investments

Description/Address of Property	Mortgage Holder	Maturity Date	% Owned	Title in Name of	Purchase Date	Cost	Present Loan Balance	Market Value	Total Annual Rental Income	Monthly Loan Paymt.	Other Expenses
Royal Oaks	CSB	03/20	100	mine	2005						
Moonrise	CSB	03/16	100	mine	2006						0

Schedule H: Notes & Accounts Payable (also include credit lines and other commitments even if unused)

Name of Creditor	Orig. Amt. Of Loan	Payment/ Repayment Terms	Maturity Date	Interest Rate	Description of Collateral (if any)	Balance Owning	Debtor(s) Code*

* Debtor(s) Code: A=Applicant AC=Joint Account of Applicant and Co-Applicant JC=Joint Account of Co-Applicant and another party
C=Co-Applicant JA=Joint Account of Applicant and another party

Were your gross revenues \$1,000,000 or less in the previous fiscal year? Yes No

If you answered "yes" and the Bank denies your application for credit, you have the right to a written statement of the specific reasons for the denial. To obtain the statement, please contact: *Chief Compliance Officer, CenterState Bank of Florida, N.A., 300 W Central Avenue, Lake Wales, FL 33853* Within 60 days from the date you are notified of the Banks decision. The Bank will send you a written statement of reason(s) for the denial within 30 days of receiving your written request for the statement. The notice below describes additional protections extended to you. **NOTICE:** The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, natural origin, sex, marital status, age (providing the applicant has the capacity to enter into a binding contract), because all or a part of the applicants income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Protection Act, the federal agency that administers compliance with this law concerning this creditor is: *Customer Assistance Group, Comptroller of the Currency, 1301 McKinney Street, Houston, TX 77010-9050.*

Personal Information

The information contained in this statement is provided for the purpose of obtaining, or maintaining credit with the Bank on behalf of the undersigned or person, firms or corporations in whose behalf the undersigned may either severally or jointly with others, execute a guaranty in the Bank's favor. Each undersigned understands that the Bank is relying on the information provided herein (including the designation made as to ownership of property) in deciding to grant or continue credit. Each undersigned represents and warrants that the information provided is true and complete and that the Bank may consider this statement as continuing to be true and correct until a written notice of a change is given to the Bank by the undersigned. The Bank is authorized to make all inquiries it deems necessary to verify the accuracy of the statements made herein, and to determine the credit worthiness of the undersigned. The Bank is authorized to answer questions about its credit experience with the undersigned. Notice - Joint Credit. We intend to apply for joint credit. (Initials)

Date Signed 6-22-15	Signature (individual) Michael Smayce	Social Security # [REDACTED]	Date of Birth 04/30/1969
Date Signed	Signature (other party)	Social Security #	Date of Birth

SCHEDULE C- UNLISTED SECURITIES.

# OF SHARES	DESCRIPTION	SOURCE OF VALUE	Net Value	% OF COMPANY Pledged
1	FLORIDA UTILITY SERVICES 1, LLC			100 YES
1	WEST LAKE LAND WASTEWATER, INC			100 NO
1	HOLIDAY GARDENS UTILITIES, LLC			100 YES
1	CRESTRIDGE UTILITIES, LLC			100 YES
1	PINECREST UTILITIES, LLC			100 YES
1	EAST MARION UTILITIES, LLC			100 YES
1	CHARLIE CREEK UTILITIES, LLC			100 YES
			Total=	