

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties, by Sunshine Water Services Company.

DOCKET NO. 20240068-WS
ORDER NO. PSC-2025-0200-CFO-WS
ISSUED: June 10, 2025

ORDER GRANTING SUNSHINE WATER SERVICES COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION AND
MOTION FOR PROTECTIVE ORDER (DN 09895-2024)

On November 14, 2024, pursuant to Section 367.156, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Sunshine Water Services Company (Sunshine) filed a Request for Confidential Classification and Motion for Temporary Protective Order, pertaining to corporate minutes and a memorandum directed to the Board of Directors of Corix Infrastructure, Inc. (Corix), which is Sunshine's parent company. (Document No. 09895-2024). Sunshine filed this request in Docket No. 20240068-WS.

Request for Confidential Classification

Sunshine contends that the corporate minutes and memorandum constitute proprietary and confidential business information, and therefore, it is entitled to protection under Section 367.156, F.S., and Rule 25-22.006, F.A.C. More specifically, Sunshine is requesting confidential treatment of information in response to the Office of Public Counsel's Request for Production of Documents No. 34 (POD No. 34), which are corporate minutes that documented the actions of the Board of Directors of Corix at the time that it was the indirect holder of 100% of Sunshine's stock. The response also included corporate minutes that documented the actions of the Board of Directors of Nexus Water Group, Inc. (Nexus) at a later time when it became (and remains) the indirect holder of 100% of Sunshine's stock. Nexus is the merged entity of Corix and SouthWest Water Company, and the parent company of Sunshine. The information in response to POD No. 34 also included a memorandum directed to Corix's Board of Directors.

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. Historically, this Commission grants confidential treatment for corporate minutes that meet the criteria set forth in Section 367.156 F.S. The information described as confidential in Sunshine's request constitutes "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," and "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Further, attorney-client communications are privileged in nature and the memorandum at issue should be treated as such. Thus, the information identified in Document No. 09895-2024 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 Sunshine or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Motion for Temporary Protective Order

Sunshine also seeks protection of the documents as provided in Section 367.156, F.S., and Rule 25-22.006, F.A.C. Section 367.156(2), F.S., directs that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by any party subject to the public records law as confidential and exempt from Section 119.07(1), F.S., the public records law. Rule 25-22.006(6), F.A.C., codifies the Commission's policy regarding the protection of confidential information from public disclosure during the discovery process in a manner that is not overly burdensome to both parties. Rule 25-22.006(6)(a), F.A.C., in pertinent part, states:

In any formal proceeding before the Commission, any utility or other person may request a protective order protecting proprietary confidential business information from discovery. Upon a showing by a utility or other person and a finding by the Commission that the material is entitled to protection, the Commission shall enter a protective order limiting discovery in the manner provided for in Rule 1.280, Florida Rules of Civil Procedure.

Ruling

Upon consideration of Sunshine's assertions of the confidential nature of the information contained in portions of the discovery responses, Document No. 09895-2024, and for the reasons listed above in our ruling on Sunshine's Request, Sunshine's Motion for Temporary Protective Order is hereby granted. As a result, this information shall be protected from disclosure pursuant to Rule 25-22.006(6), F.A.C.

Based on the foregoing, it is hereby

ORDERED by Commissioner Andrew Giles Fay as Prehearing Officer, that Sunshine Water Services Company's Request for Confidential Classification of Document No. 09895-2024 is granted. It is further

ORDERED that the information in Document No. 09895-2024, 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 Sunshine Water Service Company's Motion for Temporary Protective Order is granted, as set forth herein. 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 Andrew Giles Fay, as Prehearing Officer, this 10th day of June, 2025.



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

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.