

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates to
provide water and wastewater service in Lake
County by Sunlake Estates Utilities, L.L.C.

DOCKET NO. 130180-WS
ORDER NO. PSC-13-0631-CFO-WS
ISSUED: November 27, 2013

ORDER GRANTING SUNLAKE ESTATES UTILITIES, LLC'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION (DOCUMENT NO. 06880-13)

On November 11, 2013, pursuant to Rule 25-22.006, Florida Administrative Code, Sunlake Estates Utilities, LCC (Sunlake) filed a request for confidential classification (Request) of certain materials produced by Sunlake in response to a staff request for the Balance Sheet supporting the pro forma cost of capital calculations (Document No. 06880-13). Sunlake asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. Sunlake 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.

Sunlake contends that the information, described with specific justification in Exhibit A of its Request, is of Sunlake's sister company from whom the utility will be transferred upon Commission approval and is intended to be, and is treated as, confidential by Sunlake and its sister company, and has not been otherwise publicly disclosed. Sunlake contends that the information is within the above requirements. Sunlake argues that disclosure of the information would impair its competitive interests, could be used to discern trade secrets, or harm its ability to contract for goods and services on favorable terms. Based on the foregoing, Sunlake asserts

that the information is entitled to confidential classification pursuant Section 367.156(3), F.S., and Rule 25-22.006, F.A.C.

Time Period

Sunlake does not request confidential classification for this information for a period longer than 18 months. According to Section 366.093(4), F.S., confidential classification may extend for 18 months from the issuance of an Order granting confidential classification unless the utility or another affected person, shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Ruling

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 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;” or “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information identified in Document No. 06880-13 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein 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 Sunlake or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED that Sunlake Estates Utilities, LLC’s Request for Confidential Classification of information contained within Document No. 06880-13 is granted. It is further

ORDERED that the information in Document No. 06880-13 shall remain protected from disclosure for a period of 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 Commissioner Eduardo E. Balbis, as Prehearing Officer, this 27th day of November, 2013.



EDUARDO E. BALBIS
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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.

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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.