

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to establish rate base value of
acquired system using alternative procedure,
by Sunshine Water Services Company.

DOCKET NO. 20260031-WS
ORDER NO. PSC-2026-0222-CFO-WS
ISSUED: June 19, 2026

ORDER GRANTING SUNSHINE WATER SERVICES COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND TEMPORARY PROTECTIVE ORDER (DOCUMENT NO. 02437-2026)

On April 27, 2026, pursuant to Section 367.156, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Sunshine Water Services Company (SWS) filed a Request for Confidential Classification and Temporary Protective Order (Request) of portions of its response to Staff's First Set of Interrogatories No. 1 and First Request for Production of Documents Nos. 1-4 (Document No. 02437-2026).

Request for Confidential Classification

SWS contends that portions of the information contained in portions of its response to Staff's First Set of Interrogatories No. 1 and First Request for Production of Documents Nos. 1-4 constitute proprietary confidential business information entitled to protection under Section 367.156, F.S., and Rule 25-22.006, F.A.C. SWS asserts that this information is intended to be and is treated by SWS as private and has not been publicly disclosed.

The information contained in portions of its response to Staff's First Set of Interrogatories No. 1 and First Request for Production of Documents Nos. 1-4, for which confidentiality is requested, consists of negotiation process responses and supporting documentation, bids, invoices, acquisition pricing analysis and internal communications with Nexus Water Group Board of Directors concerning the acquisition of SWS. SWS argues that this information is protected by Sections 367.156(3)(e), F.S.

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 information and data provided in this request satisfies the criteria set forth in Section 367.156(3), F.S., for classification as proprietary confidential business information. The information regarding the negotiation process for SWS, bids, invoices, and internal communications regarding valuation and purchase of SWS appear to be “bids or other contractual data” and “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. 02437-2026 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 SWS or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Motion for Temporary Protective Order

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 the public records law, Section 119.07(1), F.S. Rule 25-22.006(6)(a), 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.

In addition, Rule 25-22.006(6)(c), F.A.C., states that if a party allows OPC to inspect or take possession of utility information, then that “utility may request a temporary protective order exempting the information from Section 119.07(1), F.S.” The rule further requires the utility to file a specific request for a protective order under paragraph (a) of the rule if the information is to be used in the proceeding before the Commission.

SWS is seeking protection of materials that discuss negotiation process responses and supporting documentation, bids, invoices, acquisition pricing analysis and internal communications with Nexus Water Group Board of Directors concerning the acquisition of SWS. These materials also include SWS and third party generated reports and procedures.

SWS contends that the disclosure of this information could impair the competitive interests of both SWS and its parent company Nexus Water Group.

Ruling

Upon consideration of SWS's assertions of the confidential nature of the information contained in its responses to portions of its response to Staff's First Set of Interrogatories No. 1 and First Request for Production of Documents Nos. 1-4, SWS'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.

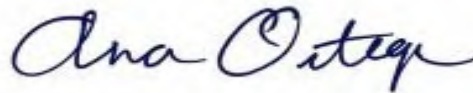
Based on the foregoing, it is hereby

ORDERED by Commissioner Ana Ortega as Prehearing Officer, that Sunshine Water Services Company's Request for Confidential Classification of, and Temporary Protective Order for, Document No. 02437-2026, is granted, as set forth herein. It is further

ORDERED that the information in Document No. 02437-2026, 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 Commissioner Ana Ortega, as Prehearing Officer, this 19th day of June, 2026.



ANA ORTEGA
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.