

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 Utilities, Inc. of Florida.

DOCKET NO. 160101-WS
ORDER NO. PSC-17-0158-CFO-WS
ISSUED: May 5, 2017

ORDER GRANTING UTILITIES, INC. OF FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 00627-17, X-REF 00143-17)

On January 19, 2017, pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), Utilities, Inc. of Florida (Utilities, Inc. or Utility) filed a request for confidential classification (Request) of certain information provided in connection with Commission Staff's Audit, Audit Control No. 16-259-1-1, x-ref Document Number 00143-17 (Audit).

Request for Confidential Classification

Utilities, Inc. contends that designated portions of the information contained in the Audit, as more specifically identified by page, line and statutory basis in Exhibit A to its Request, constitute proprietary confidential business information entitled to protection under Section 367.156, Florida Statutes (F.S.), and Rule 25-22.006, F.A.C. More specifically, the Utility requests confidential classification for the following: Board of Director Minutes, Account 2640.43 Correction Documents, and the Audited Financial Statement Equity Balance Schedule. Utilities, Inc. asserts that the information contained in these documents is treated as proprietary, has not been publicly disclosed, and has been strictly controlled internally. Utilities, Inc. requests that the Commission grant confidential classification and exempt from disclosure Document No. 00627-17, x-ref 00143-17.

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 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:

- (b) Internal auditing controls and reports of internal auditors.

(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 or 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.

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 internal auditing measures and reports of internal auditors, security measures, systems or procedures, 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 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. Thus, the information identified in Document No. 00627-17, x-ref 00143-17, 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 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 Utilities, Inc. 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 by Commissioner Ronald A. Brisé, as Prehearing Officer, that Utilities, Inc. of Florida's Request for Confidential Classification of Document No. 00627-17, x-ref 00143-17, as detailed in Exhibit A attached to the Request, is granted. It is further

ORDERED that the information in Document No. 00627-17, x-ref 00143-17, for which confidential classification has been granted 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 Utilities, Inc. of Florida or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 Ronald A. Brisé, as Prehearing Officer, this 5th day of May, 2017.



RONALD A. BRISE
Commissioner 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.

WLT

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.