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January 17, 2020

Via Hand Delivery

Adam Teitzman
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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2020 JAN 17 PM 3:53
COMMISSION
CLERK

Re: In re: Application for original water and wastewater certificates of CPI Citrus Park Utility TRS, L.L.C. to provide service in the territories in Lee County, Florida – Docket No.: 20190194-WS

Dear Mr. Teitzman:

Pursuant to rule 25-22.006(4), Florida Administrative Code, enclosed for filing on behalf of CPI Citrus Park Utility TRS, L.L.C. (the "Utility") are the original and seven (7) copies of the Utility's Request for Confidential Classification for certain materials responsive to Item No. 5 of Commission staff's letter dated November 21, 2019. A separate, sealed envelope marked "Confidential" contains one (1) copy of the confidential material with the confidential information subject to the request highlighted. Also enclosed are two (2) public copies of the material with confidential information blocked out. Please do not hesitate to contact me if you have any questions regarding this request.

For our records, please acknowledge your receipt of this fling on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP


D. Bruce May, Jr.

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Enclosures

cc: Melinda Watts
Bianca Lherisson
Kristen Simmons
Patricia Christensen
Steven Adler

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of CPI Citrus Park
Utility TRS, L.L.C. for Water and
Wastewater Certificates in Lee County,
Florida

Docket No.: 20190194-WS

Filed: January 17, 2020

REQUEST FOR CONFIDENTIAL CLASSIFICATION

CPI Citrus Park Utility TRS, L.L.C. (“Utility”), by and through its undersigned counsel, and pursuant to section 367.156, Florida Statutes, and rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain materials provided here in response Item No. 5 of Commission staff’s letter in this docket dated November 21, 2019.¹ Appended to this Request is an envelope marked “CONFIDENTIAL” containing one un-redacted copy of the confidential information being provided with confidential portions highlighted. Two public, redacted versions of the confidential information are also appended to the Request. In support of the Request, the Utility states as follows:

1. Section 367 .156(1), Florida Statutes, provides that upon request, records received by the Commission which are “found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1).”

2. “Proprietary confidential business information” is broadly defined as

information, regardless of form or characteristics, which is owned or controlled by the . . .company, is intended to be and is treated by the . . . company as private in that the disclosure of the information would cause harm to the . . .company’s business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Section 367.156(3), Florida Statutes.

¹ The Utility previously filed a Notice of Intent to Request Confidential Classification of these materials on January 14, 2020.

3. Proprietary confidential business information includes, but is not limited to, information concerning:

- (a) trade secrets;
- (b) internal auditing controls and reports of internal auditors;
- (c) security measures, systems, or procedures;
- (d) Information concerning bids or 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;
- (f) employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Section 367.156(3), Florida Statutes (emphasis added).

4. As shown below, the confidential portions of the information being provided to the Commission is “ information relating to competitive interests, the disclosure of which would impair the competitive businesses” of the Utility’s affiliate , and therefore constitute proprietary confidential business information entitled to protection under section 367 .156(3)(e) of the Florida Statutes and rule 25-22.006 (1)(a), of the Florida Administrative Code.

5. The appended envelope marked “CONFIDENTIAL” consists of a letter and attached balance sheet from the Utility’s affiliate. This information has not been released to the public and is treated by the affiliate as private, highly confidential information the release of which would harm the affiliate’s competitive business operations.² Among other things, competitors of the affiliate could use the identified private financial information in deducing the affiliate’s strategic business plans. The identified information is therefore proprietary confidential business information and is entitled to protection under section 367.156(3)(e), Florida Statutes and rule 25-22.006, Florida Administrative Code. See Order Not PSC-10-0232-CFO-WS (April 14, 2010)

² The confidential portions of the information is identified on lines 7-13, 16-20, 22-25, and the end notes of the balance sheet.

(finding that the financial information of a utility applicant's parent could be used to the "competitive disadvantage" of the parent and thus qualifies as "proprietary confidential business information" under section 367.156(3)(e).)

6. For all of the above reasons, the Utility also moves the Commission for entry of a temporary protective order pursuant to rule 25-22.006(6)(c), Florida Administrative Code, protecting the identified confidential information from public disclosure.

7. Pursuant to section 367.156(4), Florida Statutes, and rule 25-22.006(9), Florida Administrative Code, the Utility requests that the information described above as proprietary confidential business information be protected from disclosure for a period of at least 18 months and all information should be returned to the Utility as soon as the information is no longer necessary for the Commission to conduct its business.

Respectfully submitted this 17th day of January, 2020.

HOLLAND & KNIGHT LLP

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*Attorneys for CPI Citrus Park Utility TRS,
L.L.C.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via electronic mail this 17th day of January, 2020 to:

Office of the General Counsel
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/s/ D. Bruce May, Jr.

D. Bruce May, Jr.