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Via Hand Delivery

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

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COMMISSION CLERK

RE: Docket No. 20250110-WS - In re: Application for transfer of facilities of Orchid Springs Development Corporation, Water Certificate No. 600-W, and Wastewater Certificate No. 516-S to CSWR-Florida Utility Operating Company, LLC, in Polk County

Dear Commission Clerk:

On behalf of Applicant CSWR-Florida Utility Operating Company, LLC, enclosed for filing is a Request for Confidential Classification concerning the financial statements of CSWR, LLC and its subsidiaries. Pursuant to Rule 25-22.006(4)(a), Florida Administrative Code, also enclosed is an unredacted, highlighted copy of the financial statements. A redacted copy of the financial statements was filed in the docket via the Commission's online filing portal, attached as Exhibit D to the transfer application.

Sincerely,

/s/ Thomas A. Crabb

Thomas A. Crabb
Susan F. Clark
Attorneys for Applicant
CSWR-Florida Utility Operating Company, LLC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of facilities of
Orchid Springs Development Corporation,
Water Certificate No. 600-W, and Wastewater
Certificate No. 516-S to CSWR-Florida
Utility Operating Company, LLC, in Polk
County.

Docket No.: 20250110-WS

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF FINANCIAL STATEMENTS**

CSWR-Florida Utility Operating Company, LLC (“CSWR-Florida” or “Applicant”), pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests that the Commission classify as confidential certain affiliate financial information contained in Exhibit D to the Application. In support, CSWR-Florida states:

1. CSWR-Florida filed its Application on September 2, 2025. Part II-B of the Application requires a “detailed financial statement (balance sheet and income statement), audited if available, of the financial applicant, that shows all assets and liabilities of every kind and character.” Pursuant to that requirement, Exhibit D to the Application includes the consolidated financial statements (balance sheet and income statement) of CSWR, LLC (“CSWR”) and its subsidiaries, including CSWR-Florida, for the years ended December 31, 2024 and 2023.

2. To fund the acquisition proposed in the Application, CSWR will invest sufficient equity in CSWR-Florida to (a) pay the purchase price and all costs related to the acquisition of assets currently owned by Orchid Springs Development Corporation, (b) fund necessary capital improvements, and (c) provide working capital to sustain operations until fully compensatory rates are implemented and CSWR-Florida becomes self-sufficient.

3. A corporate organization chart showing the affiliation between CSWR and CSWR-Florida is included with the Application at Exhibit E. CSWR is not a publicly-traded company or

a regulated utility. Therefore, its financial information is not available to the public.

4. This Request for Confidential Classification pertains to financial data included on the consolidated financial statements (balance sheet and income statement). For purposes of this Request, the data for which CSWR-Florida requests confidential classification will be called the "CSWR Group Financial Data."

5. The CSWR Group Financial Data contained in Exhibit D is entitled to confidential classification pursuant to Section 367.156, Florida Statutes, and is exempt from disclosure under Section 119.07(1), Florida Statutes, and Article I, Section 24(a) of the Florida Constitution because it contains "proprietary confidential business information."

6. Section 367.156(3), Florida Statutes, defines "proprietary confidential business information" as:

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

7. Some statutory examples of "proprietary confidential business information" include: (1) trade secrets; (2) internal auditing controls and reports of internal auditors; (3) 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 (4) information relating to competitive interests, the disclosure of which would impair the competitive businesses of the provider of the information. § 367.156(3), Fla. Stat.

8. The disclosure of the CSWR Group Financial Data in Exhibit D would negatively affect and impair the business and competitive interests of CSWR and, in turn, CSWR-Florida.

The disclosure of such information may also reveal trade secrets or impair the ability of CSWR or CSWR-Florida to contract for goods or services on favorable terms. In addition, it is not necessary to make the information in Exhibit D available to the public.

9. The CSWR Group Financial Data has previously been found by the Commission, at least four times, to constitute proprietary confidential business information that is confidential and exempt from public disclosure. *See In re: Application for transfer of water facilities of Sunshine Utilities of Central Florida, Inc. and Water Certificate No. 363-W to CSWR-Florida Utility Operating Company, LLC, in Marion County*, Docket No. 20210095-WU, Order No. PSC-2021-0253-CFO-WU (Fla. PSC July 12, 2021); *In re: Application for transfer of water and wastewater systems of Aquarina Utilities, Inc., Water Certificate No. 517-W, and Wastewater Certificate No. 450-S to CSWR-Florida Utility Operating Company, LLC, in Brevard County*, Docket No. 20210093-WS, Order No. PSC-2021-0230-CFO-WS (Fla. PSC June 23, 2021); *See In re: Application for transfer of wastewater Certificate No. 318-S from BFF Corp to CSWR-Florida Utility Operating Company, LLC, in Marion County*; Docket No. 20220061-SU, Order No. PSC-2023-0219-CFO-SU (Fla. PSC August 3, 2023); *See In re: Application for transfer of water and wastewater facilities of Tradewinds Utilities, Inc., water Certificate No. 405-W, and wastewater Certificate No. 342-S to CSWR-Florida Utility Operating Company, LLC, in Marion County*; Docket No. 20220063-WS, Order No. PSC-2023-0296-CFO-WS (Fla. PSC September 29, 2023).

10. In addition, the Commission has ruled that similar financial statements were entitled to confidential classification. *See, e.g., In re: Application for authority to transfer assets of exempt entity in Sumter Cty. by the City of Wildwood to South Sumter Utility Company, LLC*, Docket No. 20190185-WS, Order No. PSC-2020-0076-CFO-WS, 2020 WL 1659672 (Fla. P.S.C. Mar. 17, 2020) (granting request for confidential classification for consolidated financial

information and finding the information was not available to the general public and, if disclosed, could adversely impact the utility's ability to conduct business in a cost-effective manner); *In re: Application for increase in wastewater rates in Charlotte Cty. by Utilities, Inc. of Sandalhaven*, Docket No. 150102-SU, Order No. PSC-15-0561-CFO-SU, 2015 WL 8536715 (Fla. P.S.C. Dec. 9, 2015) (finding the consolidated financial statements met the statutory definition of proprietary confidential business information in section 367.156(3)(d) and (e), Florida Statutes and noting how disclosure would harm the utility by "adversely impact[ing] Sandalhaven's ability to conduct its business in the most cost-effective manner possible"); *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-17-0159-CFO-WS (Fla. PSC May 5, 2017) (concluding "[t]he information constitutes information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information").

11. Accordingly, designating the CSWR Group Financial Data as proprietary confidential business information is consistent with longstanding Commission precedent.

12. As in the other cases cited, CSWR-Florida's business operations would be harmed by public disclosure of the CSWR Group Financial Data. Since its formation in 2014, CSWR, LLC and its operating company affiliates have been acquiring water and wastewater systems in many states.

13. Public disclosure of the CSWR Group Financial Data would harm the competitive interests of CSWR-Florida and its affiliates. Companies contemplating a similar business plan could reasonably be encouraged to enter the marketplace and compete with CSWR and its affiliates for the purchase of systems, or would at minimum have an example of a financial roadmap if they

had the CSWR Group Financial Data. If a competitor obtained the CSWR Group Financial Data, they could freeride on crucial financial information they would otherwise have to obtain by experience at their own cost and risk. If a system owner contemplating sale obtained the CSWR Group Financial Data, it could impact the sales price of the system or other contractual terms, adverse to the interests of CSWR-Florida and its affiliates. Similarly, it could potentially be used by suppliers to undermine CSWR's negotiating position.

14. Section 367.156(3), Florida Statutes, provides a non-exhaustive list of examples of proprietary confidential business information that includes information relating to competitive interests, the disclosure of which would impair the competitive businesses of the provider of the information, as well as trade secrets.

15. As discussed above, the CSWR Group Financial Data is "information relating to competitive interests, the disclosure of which would impair the competitive businesses of the provider of the information." The data also constitutes trade secrets.

16. Section 812.081(1)(c), Florida Statutes, defines "trade secret" as follows:

"Trade secret" means the whole or any portion or phase of any . . . compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. The term includes any . . . commercial information, including financial information Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:

1. Secret;
2. Of value;
3. For use or in use by the business; and
4. Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it

when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes. (underlining added)

17. This statutory definition of “trade secret” has four required elements: (1) a “compilation of information”; (2) “for use or is used in the operation of a business”; (3) “which provides the business an advantage or an opportunity to obtain an advantage, over those who do not know or use it”; and (4) the owner of the information “takes measures to prevent it from becoming available to persons other than those selected.” *Managed Care of N.A., Inc. v. Fla. Healthy Kids Corp.*, 268 So. 3d 856, 860 (Fla. 1st DCA 2019), *reh’g denied* (Apr. 24, 2019). “Value” is not an element of this test. “Instead, the enumerated portion of the statutory subsection establishes a presumption of what a trade secret is ‘considered to be’ once the required elements of a trade secret are established, as set forth in the first sentence of the statutory subsection.” *Id.* In other words, once the elements of the test are established, “the trade secrets are considered, as a matter of law, to be ‘of value.’” *Id.*

18. The CSWR Group Financial Data meets all the elements of this test. It is a compilation of “financial information,” which is given as an example in the statute. It is used in the operation of the Applicant’s business, including in this acquisition docket to show the financial ability of the Applicant. It provides an advantage or an opportunity to obtain an advantage, over those who do not know or use it, as shown from the competitive interests discussed above. And finally, the Applicant has taken measures to prevent the CSWR Group Financial Data from becoming public by filing this Request for Confidential Classification.

19. Pursuant to Rule 25-22.006(4)(d), Florida Administrative Code, CSWR-Florida affirms that the material identified as confidential in Exhibit D is intended to be and is treated by CSWR and CSWR-Florida as private and confidential and has not been publicly disclosed.

20. Exhibit A to this Request For Confidential Classification is a justification table that specifies the information in Application Exhibit D that CSWR-Florida asks the Commission to

classify as confidential and the statutory justification for each such request in compliance with Rule 25-22.006(4), Florida Administrative Code.

21. In compliance with Rule 25-22.006(4)(a), Florida Administrative Code, CSWR-Florida has filed a redacted copy of the financial statements with the Commission via the online filing portal as Exhibit D to the Application. Included with this Request For Confidential Classification is a copy of the 2024/2023 consolidated financial statements with the confidential information subject to this request highlighted (unredacted).

WHEREFORE, CSWR-Florida respectfully requests that the CSWR Group Financial Data contained in Application Exhibit D be classified as proprietary confidential business information that is confidential and exempt from disclosure under the Public Records Act in Chapter 119, Florida Statutes, and Article I, Section 24(a) of the Florida Constitution. CSWR-Florida further requests, pursuant to Section 367.156(4), Florida Statutes, that the specified confidential information in Exhibit D be classified by the Commission as confidential for the maximum period of time allowed and the unredacted copy of Exhibit D be returned promptly to CSWR-Florida upon closure of this docket.

Respectfully submitted this 3rd day of September, 2025.

/s/ Thomas A. Crabb

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Exhibit A - Justification Matrix

Location (Document name and location of information)	Justification
Consolidated Financial Statements, December 31, 2024 and 2023: Pages 3-4: amounts under headings 2024 and 2023;	<p>§ 367.156(3)(a), Florida Statutes (trade secrets);</p> <p>§ 367.156(3)(d), Florida Statutes (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);</p> <p>§ 367.156(3)(e), Florida Statutes (information relating to competitive interests, the disclosure of which would impair the competitive businesses of the provider of the information)</p> <p>As set forth more fully in the Request for Confidential Classification, disclosure would impair CSWR-Florida's competitive interests and could be used to discern trade secrets or harm its ability to contract for goods and services on a favorable basis. CSWR keeps this information strictly confidential to also prevent competitors and prospective counterparties from information which could be used in future negotiations to the disadvantage of CSWR and its affiliates.</p>