

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to establish rate base value of wastewater system of Forest Utilities, Inc. in Lee County, using alternative valuation procedure, by CSWR-Florida Utility Operating Company, LLC.

DOCKET NO. 20260083-SU
ORDER NO. PSC-2026-0363-CFO-SU
ISSUED: October 16, 2026

ORDER DENYING MOTION FOR PROTECTIVE ORDER
AND REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF PROPRIETARY BUSINESS INFORMATION
RESPONSIVE TO STAFF POD 12 & STAFF INTERROGATORY 37
(DOCUMENT NO. 06298-2026)

On September 11, 2026, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006(6)(c), Florida Administrative Code (F.A.C.), CSWR-Florida Utility Operating Company, LLC (CSWR) filed a Motion for Protective Order and Request for Confidential Classification of Proprietary Business Information Responsive to Staff Pod 12 & Staff Interrogatory 37 (Document No. 06298-2026). The information in the document contains asset lists and dollar amounts from the fair market value appraisal reports that CSWR obtained pursuant to Section 367.0811, F.S.

Request for Confidential Classification

CSWR contends that the information is proprietary confidential business information entitled to protection under Section 367.156, F.S., and Rule 25-22.006, F.A.C. CSWR asserts that the information contained in the document is based on the information contained within the fair market value appraisal reports that CSWR has claimed as confidential proprietary business information, the disclosure of which would harm the business and competitive interests of CSWR.

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:

(a) Trade Secrets.

* * *

(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 business of the provider of the information.

In Order No. PSC-2026-0339-CFO-SU, I denied CSWR's Request for Confidential Classification of five documents, including the fair market value appraisal reports that CSWR obtained pursuant to Section 367.0811, F.S. The information at issue here does not differ materially from the information contained in those appraisal reports. Therefore, upon review, and for the reasons set forth in Order No. PSC-2026-0339-CFO-SU, CSWR has failed to demonstrate that the information contained in the answer to Staff Production of Documents Request Number 212 and Staff Interrogatory Number 37 satisfy the criteria set forth in Section 367.156(3), F.S., for classification as proprietary confidential business information. Pursuant to Rule 25-22.006(10), F.A.C., the material for which confidential classification is denied shall remain protected from disclosure until the time for filing an appeal has expired. CSWR or another person may request continued confidential treatment until judicial review is complete by filing such request in writing with the Office of Commission Clerk. The material will thereafter receive confidential treatment through completion of judicial review.

Motion for Protective Order

Section 366.093(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), 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.

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. CSWR is seeking protection of information included in portions of its responses to Staff's Production of Documents Request Number 12 and Staff's Interrogatory Number 37. The

discovery responses contain data that is taken from the fair market value appraisal reports CSWR obtained as part of this proceeding. CSWR contends that the disclosure of this information could free-ride on the information contained within, thereby harming the competitive business of CSWR.

Ruling

Upon consideration of CSWR's assertions of the confidential nature of the information contained in portions of the discovery responses, and for the reasons set forth above in my ruling on the Request for Confidential Classification, CSWR's Motion for Protective Order, is hereby denied.

Based on the foregoing, it is hereby

ORDERED by Commissioner Mike La Rosa, as Prehearing Officer, that CSWR-Florida Operating Utility Operating Company, LLC's Motion for Protective Order and Request for Confidential Classification of Document No. 06298-2026 is denied.

By ORDER of Commissioner Mike La Rosa, as Prehearing Officer, this 16th day of October, 2026.



MIKE LA ROSA
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.

TPS

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.