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APPLICATION OF RIO CONCHO
AVIATION, INC. FOR A
RATE/TARIFF CHANGE

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BEFORE THE STAFF OF THE PUBLIC UTILITY COMMISSION
FILING CLERK
OF
ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 6
ADDRESSING CONFIDENTIALITY;
RULING ON RIO CONCHO OBJECTIONS TO TESTIMONY

Confidential Material

On August 18, 2016, Jeff Sheets filed confidential testimony under seal. On September 9, 2016, the Staff of the Public Utility Commission of Texas filed the redacted testimony of Debi Loockerman and Elisabeth English. It appears that, for each claim of confidential material, the witnesses cite to confidential discovery provided by Rio Concho Aviation, Inc. (Rio Concho). Additionally, Rio Concho submitted RCA-3, which includes costs for various items and Rio Concho's balance and income sheets. The Administrative Law Judge (ALJ) questions the need to classify such information as confidential.

On September 16, 2016, Rio Concho filed a motion to designate its federal tax returns for 2013 and 2014 as highly-sensitive financial information, claiming that federal tax returns are typically afforded some basic protection in the discovery process, citing *Maresca v. Marks*, 362 SW.2d 299, 300-301 (Tex. 1962). The cited case concerns the federal income tax returns of individuals and their wives and possibly a restaurant, none of which are an investor-owned utility. Rio Concho is seeking a rate increase in this matter based on its financial statements.

On or before September 30, 2016, Rio Concho shall provide a detailed explanation with supporting legal authority and argument as to why *each and every* reference, including the utility's income tax return, in the above-noted testimonies and in RCA-3 should be treated as confidential material. If Rio Concho continues to argue that certain documents are confidential,

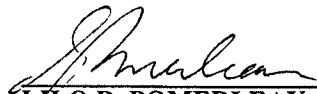
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Staff shall and intervenor ratepayers may (but are not required to) file a response on or before October 6, 2016.

Rio Concho's Objections to Intervenor Testimony

Rio Concho timely filed objections to the testimony of Roy Geer, Stephen Grace, and Jeffrey Sheets and to the testimony labeled "Ratepayers Response to Rio Concho Aviation, Inc. Water Rate Increase Application" (Response). The ratepayer witnesses, including Mr. Sheets who wrote the Response, filed replies. Rio Concho's objections are overruled.

SIGNED September 21, 2016.



LILO D. POMERLEAU
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS