

RECEIVED-PPSC

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

10 JUN -8 PM 3: 03

In re: Application for increase in water and )  
wastewater rates in Alachua, Brevard, )  
DeSoto, Highlands, Lake, Lee, Marion, )  
Orange, Palm Beach, Pasco, Polk, Putnam, )  
Seminole, Sumter, Volusia, and Washington )  
Counties by Aqua Utilities Florida, Inc. )

**DOCKET NO. 080121-WS**

**FILED: June 8, 2010** COMMISSION  
CLERK

**AQUA UTILITIES FLORIDA, INC.'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
SUPPLEMENTAL CUSTOMER-SPECIFIC INFORMATION PRODUCED IN  
RESPONSE TO STAFF'S SEVENTH REQUEST FOR PRODUCTION OF  
DOCUMENTS (NO. 35)**

Aqua Utilities Florida, Inc. ("AUF"), pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, requests confidential classification of supplemental customer-specific information produced in AUF's Supplemental Response to Commission Staff's Seventh Request for Production of Documents ("POD") (No. 35). In support of its request, AUF states:

1. Staff's POD No. 35 requests that AUF "provide copies of the customer bills that correspond to the ERT numbers and meter read dates for each of the ERT numbers and meter read dates contained in the attached Excel spreadsheet." On May 28, 2010, AUF provided copies of the requested customer bills in response to Staff's POD (No. 35). However, 4 of the customer bills (Sample ID Nos. 283-286) were inadvertently omitted. Copies of those 4 bills have been provided by AUF in a supplemental response to Staff's POD No. 35. Those bills contain proprietary customer-specific information, the disclosure of which would harm the privacy interest of individual customers and subject those customers to other harm, including potential identity theft. Accordingly, AUF is providing the requested customer bills in redacted form to protect certain specified confidential information.

1

*Peña*

DOCUMENT NUMBER DATE

04754 JUN-8 2

FPSC-COMMUNICATIONS UNIT

2. The customer bills are entitled to confidential classification pursuant to Section 367.156(3), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and are exempt from Section 119.07(1), Florida Statutes, and Article I, Section 24(a), of the Florida Constitution, because the supplemental bills contain customer name, address and account numbers, which information constitutes "proprietary confidential business information" as defined in Section 367.156(3), Florida Statutes.

3. Section 367.156(3), Fla. Stat. 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, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public." The Commission has consistently ruled that detailed customer-specific information such as customer name and address are confidential proprietary information "the disclosure of which would harm the privacy interest of individual customers and deter customers from contacting the Company in the future if such information is subject to public disclosure . . . ." *See, e.g., In re: Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light*, 02 F.P.S.C. 3:215, Docket No. 000824-EI, Order No. PSC-02-0356-CFO-EI (March 15, 2002).

4. The supplemental customer-specific information subject to this request fits the statutory definition of proprietary confidential business information under Section 367.156(3), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and that information should

be afforded confidential classification. In support of this request, AUF has enclosed the following:

- Confidential Attachment A: A separate, sealed envelope containing the 4 unredacted customer bills requested with the appropriate lines containing confidential information highlighted. The highlighted confidential information on the customer bills is limited to customer name, address, and account number, which appears at the top and at the bottom of the bills. All of the highlighted confidential information is treated by AUF as private and has not been disclosed. **This information should be afforded confidential treatment pending a decision on AUF's request by the Commission;** and,
- Attachment B: Two copies of the requested bills with the information which AUF has requested confidential classification blocked out.

WHEREFORE, AUF requests that the specified confidential information in the customer bills responsive to Staff's POD (No. 35) highlighted in Confidential Attachment A be classified as confidential and exempt from Chapter 119, Florida Statutes, and Article I, Section 24(a), of the Florida Constitution for the maximum period.

Respectfully submitted this 8<sup>th</sup> day of June, 2010.

  
**D. Bruce May, Jr.**  
Florida Bar No. 354473  
**Gigi Rollini**  
Florida Bar No. 684491  
Holland & Knight, LLP  
Post Office Drawer 810  
Tallahassee, Florida 32302-0810  
(850) 224-7000 (Telephone)  
(850) 224-8832 (Facsimile)

*Counsel for Aqua Utilities Florida, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was furnished by U.S. Mail this 8th day of June, 2010, to the following:

Charles Beck, Esq.  
Stephen C. Reilly, Esq.  
Office of Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400

Ralph Jaeger, Esq.  
Katherine Fleming, Esq.  
Caroline Klancke, Esq.  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Cecilia Bradley, Esq.  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

  
Attorney

# 9514332\_v1

**CONFIDENTIAL**

ATTACHMENT A

---

State of Florida



**Public Service Commission**  
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**D. Bruce May**  
P.O. Drawer 810  
Tallahassee FL 32302

**Re: Acknowledgement of Confidential Filing in Docket No. 080121-WS**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on June 8, 2010, in the above-referenced docket.

Document Number 04755-10 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.