

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of  
UTILITIES, INC. OF FLORIDA  
for an increase in water and wastewater  
rates in Marion, Orange, Pasco, Pinellas,  
and Seminole Counties, Florida

DOCKET NO. 090462-WS

**UTILITIES, INC. OF FLORIDA'S MOTION FOR PROTECTIVE ORDER  
AND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

UTILITIES, INC. OF FLORIDA ("UIF" or the "Utility"), by and through its undersigned  
counsel, and pursuant to Rule 25-22.006, F.A.C., files this Motion for Protective Order and Request  
for Confidential Classification in relation to documents submitted in connection with the Staff's  
Audit in this Docket.

1. Pursuant to Section 367.156, Florida Statutes, this Commission has the authority to  
classify certain material as proprietary confidential business information. This classification  
exempts the material from public disclosure under Section 119.07(1), Florida Statutes.

2. The Utility requests the following:

(a) all of its responses, consisting of Binder 5 of 5, UIF AR#12 - Payroll Taxes,  
and February billing information, for Utilities, Inc., and the Utility for the rate case audit (Audit  
Control No. 10-040-1-1) designated as confidential be classified as proprietary confidential business  
information under Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative  
Code; and

(b) if this request is granted, then all of the said workpapers provided to Staff in

connection with Audit Control No. 10-040-1-1 will be exempt from Section 119.07(1), Florida  
Statutes.

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3. The information produced in response to Staff's Audit Requests (Binder 5 of 5 and UIF AR#12 - Payroll) for compensation information is currently kept confidential by the Utility and consists of employee's name and title, base salary, overtime, raises, and total compensation. It should be classified as proprietary confidential business information because its disclosure would impair the Utility's competitive interests, provide other utility companies information to lure employees away (thereby driving up salaries and rates), and create circumstances under which infighting and employee morale could be negatively affected. See Florida Power & Light Company et al. v. Public Service Commission, 35 Fla. L. Weekly D516 (Fla. 1st DCA 2010). The February billing information includes names and addresses of customers, and UIF typically keeps that personal information on its customers confidential.

4. Moreover, requiring the disclosure of each employee's compensation information violates each employee's right to privacy under Article I, Section 23 of the Florida Constitution, as does such disclosure of customer's personal information.

5. Pursuant to Rule 25-22.006(4)(a), F.A.C., attached hereto is one copy of the confidential information (Binder 5 of 5) highlighted and another copy with the confidential information redacted. Pursuant to Rule 25-22.006(4)(b), F.A.C., attached are electronic copies of confidential information (UIF AR#12-Payroll Taxes and customer billing data) with one copy redacting the confidential information.

6. The Utility requests that the protective order specifically provide that:

(a) Copies of the response to said Staff's Audit Requests, and any other documents, such as internal memoranda and notes that may be created, that contain any of the information covered by the protective order, be protected from disclosure to any persons other than those specified in the protective order;

(b) The number of copies of the responses to Staff's Audit Requests and any other documents, internal memoranda and notes that may be created, that contain any of the information covered by the protective order be limited to five (5);


(c) Only persons within the Commission Staff and the Office of Public Counsel who are working on this matter may view the response to Staff's Audit Requests and any other documents, internal memoranda and notes that may be created, that contain any of the information covered by the protective order; and

(d) Once the protected materials are no longer needed to proceed on this matter, the Commission and Office of Public Counsel Staff who have the original or any copies in their possession will return the original response and all copies to UIF via the undersigned counsel.

WHEREFORE, UIF prays for the entry of the protective order that is consistent with this Motion.

Respectfully submitted on this 7<sup>th</sup> day of June,  
2010 by:

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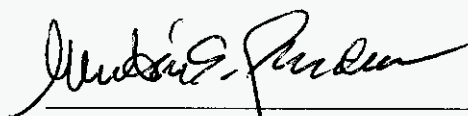
MARTIN S. FRIEDMAN  
For the Firm

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 090462-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Protective Order and Request for Confidential Classification has been furnished by U.S. Mail to the following parties this 7<sup>th</sup> day of June 2010:

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