

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

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DOCKET NO. 120209-WS

RECEIVED-FTSC

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COMMISSION  
CLERK

**UTILITIES, INC. OF FLORIDA'S**  
**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

UTILITIES, INC. OF FLORIDA. (the "Utility"), by and through its undersigned counsel, files this Request for Confidential Classification in relation to documents submitted with the Utility's response to the Auditor's Report, Audit Control No. 12-254-4-1, Audit Findings 9 and 10.

1. Under 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 that certain information filed with the Clerk in connection with its response to Auditor's Report, Audit Control No. 12-254-4-1, Audit Findings 9 and 10 be classified as proprietary confidential business information under Section 367.156(2), Florida Statutes, and Rule 25-22.06, Florida Administrative Code (the "Confidential Information"). If this request is granted, then the subject portions of said response to Auditor's Report, Audit Control No. 12-254-4-1, Audit Findings 9 and 10 will be exempt from Section 119.07(1), Florida Statutes. Attached hereto as Exhibit "A" is a Justification Matrix providing a justification for the Utility's request. The information is enclosed herein both in highlighted and redacted format.

3. The information produced in response to Auditor's Report, Audit Control No. 12-254-4-1, Audit Findings 9 and 10 regarding employee compensation is intended to be and is treated by the Utility as private and confidential and has not been disclosed externally and has been strictly controlled internally.

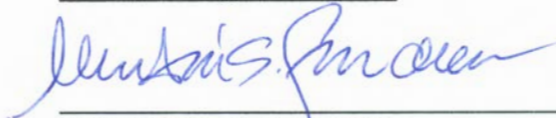
4. A portion of the information consists of employees' names and annual salaries. This information should be classified as proprietary confidential business information because its disclosure would impair the Utility's competitive interests, provide other utility companies information to lure employees 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).

5. 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.

WHEREFORE, UTILITIES, INC. OF FLORIDA prays for confidential treatment and the entry of the protective order that is consistent with this Motion.

Respectfully submitted this 2nd day of August, 2013, by:

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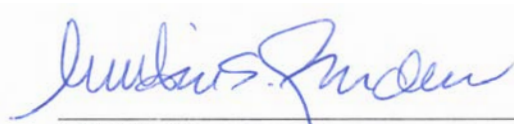
MARTIN S. FRIEDMAN  
Florida Bar No.: 0199060  
For the Firm

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 120209-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been sent by overnight courier service to the PSC Clerk and furnished by EMail to the following parties this 2nd day of August, 2013:

Stephen Reilly, Esquire  
Office of Public Counsel  
C/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

Michael Lawson, Esquire  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850



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MARTIN S. FRIEDMAN  
For the Firm

## JUSTIFICATION MATRIX

<u>Location</u> (Document name and location of information)	<u>Justification</u> <i>Please note: All information for which the Utility requests confidential treatment has been kept confidential by the Utility, and intends to keep such information confidential.</i>
<p><b><u>Document:</u></b></p> <p>Salaries for UIF Audit-Findings 9 &amp; 10.xlsx</p> <p><b><u>Location:</u></b></p> <p>Detail Tab: The amounts in the columns with the headings Annual Salary, Overtime, Total Salary, Captive/Salary and Net Salary (except column totals and column headings)</p> <p>RVP-ERC Tab: The amounts under the headings DEC-11, DEC-12 and APR-13 including totals, since this reflects the salary of the Regional Vice President</p>	<p>§367.156(3)(d) Disclosure of compensation data, would impair the ability of the Utility to contract for employees on favorable terms.</p> <p>§367.156(3)(e) Disclosure of the compensation data would impair the Utility's competitive interests as described in <u>Florida Power &amp; Light Company et al. v. Public Service Commission</u>, 31 So. 3d 860 (Fla. 1st DCA 2010). The Utility keeps this information strictly confidential to prevent other utilities from stealing their employees and to prevent lowered morale and infighting among employees who have the same position but varying wages. Disclosure of the salaries would impair the Utility's competitive interests in a similar manner, giving competitors a tool to lure away employees and causing internal strife by exposing the employee's private financial affairs.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.</p>