

DEAN | MEAD

FILED 9/30/2024
DOCUMENT NO. 09307-2024
FPSC - COMMISSION CLERK

Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.
420 South Orange Avenue, Suite 700
P.O. Box 2346
Orlando, FL 32801

Attorneys and Counselors at Law
Orlando
Fort Pierce
Naples
Viera/Melbourne
Vero Beach

(407) 841-1200
(407) 423-1831 Fax
www.deanmead.com

MARTIN FRIEDMAN
407-310-2077
mfriedman@deanmead.com

September 26, 2024

Adam Teitzman, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-PPSC
2024 SEP 29 PM 9:29
COMMISSION
CLERK

Re: Docket No. 20240068-WS - Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk and Seminole Counties, by Sunshine Water Services Company

Dear Mr. Teitzman:

On behalf of Sunshine Water Services Company ("Utility") enclosed is the original of its Motion for Protective Order and request for Confidential Classification for filing in the Docket, with redacted excel file on a USB drive. Also enclosed is a copy of the Motion with a highlighted excel file on a USB drive in a confidential envelope. The staff already has access to the confidential information.

Should you or Staff have any questions regarding this response please do not hesitate to contact me.

Very truly yours,



Martin Friedman

COM _____
AFD 1 _____
APA _____
ECO _____
ENG _____
GCL _____
IDM _____
CLK _____

redacted USB Drive & 1 copy

MSF:

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase in water and
wastewater rates in Charlotte, Highlands,
Lake, Lee, Marion, Orange, Pasco, Pinellas,
Polk, and Seminole Counties by Sunshine Water
Services Company

DOCKET NO. 20240068-WS

**SUNSHINE WATER SERVICES COMPANY'S MOTION FOR PROTECTIVE ORDER
AND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Sunshine Water Services Company ("Utility") by and through its undersigned counsel, and pursuant to Rules 25-22.006(4) & (6), Florida Administrative Code, files this Motion for Protective Order and Request for Confidential Classification with regard to documents responsive to Staff's Interrogatory Nos. 54, 55, 57, 58, 59, 60, 62, 63, 64, 67 and 69 ("Confidential Interrogatories").

1. The response to the Confidential Interrogatories requires the disclosure of certain salary information. Salary information has consistently been held as confidential. The Utility treats employee compensation policy and actual compensation information as strictly confidential. 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*, 31 So. 3d 860 (Fla. 1st DCA 2010). Further, 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. This Commission has consistently recognized the confidentiality of salary information on numerous occasions. See, for example, Order Nos. PSC-2014-0125-CFO-WS, PSC-2014-0060-CFO-WS, PSC-2017-0154-CFO-WS, and PSC-2021-0308-CFO-WS. Also, the corporate policy regarding employee compensation was developed by the Utility's

parent and is proprietary to that company. Further, such information should be considered confidential for the same reasons as actual compensation amounts.

2. The response to the Confidential Interrogatories requires the disclosure of certain employment policy information and documentation. The Utility treats employment policy information as strictly confidential. 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). The Confidential Information is proprietary confidential business information. Under Section 367.156, Florida Statutes, this Commission has the authority to classify certain material as proprietary confidential business information thereby exempting the material from public disclosure under Section 119.07(1), Florida Statutes.

3. Rule 25-22.006(6)(a), Florida Administrative Code, permits a utility to request a Protective Order protecting proprietary confidential information from discovery.

4. Pursuant to Rule 25-22.006(6)(b), Florida Administrative Code, the Confidential Information is exempt from Section 119.07(1), Florida Statutes, pending the Commissions' ruling on this Motion.

5. Highlighted and redacted copies of the Confidential Documents are provided to the Clerk on separate USB drives. The Justification Schedule is attached.

6. Upon a finding by the Commission that the information is proprietary and confidential business information, the information should not be declassified for at least 18 months and should be returned to the undersigned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, Sunshine Water Services Company requests the Commission enter a Protective Order against public disclosure of the Confidential Information provided by the Utility in response to Staff's Third Set of Interrogatories.

Respectfully submitted this 26th day of September, 2024.

DEAN MEAD
420 South Orange Ave., Suite 700
Orlando, FL 32801
Direct Telephone: (407) 310-2077
Fax: (407) 423-1831
mfriedman@deanmead.com

A handwritten signature in blue ink, appearing to read "Martin S. Friedman".

Martin S. Friedman, Esquire

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-mail to the following parties this 26th day of September, 2024:

Walt Trierweiler, Esquire
Charles J. Rehwinkel, Esquire
Octavio Simoes-Ponce, Esquire
Austin Watrous, Esquire
Office of Public Counsel
c/o Florida Legislature
111 West Madison Street, Suite 812
Tallahassee, FL 32399-1400
TRIERWEILER.WALT@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
PONCE.OCTAVIO@leg.state.fl.us
WATROUS.AUSTIN@leg.state.fl.us

Ryan Sandy, Esquire
Saad Farooqi, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
sfarooqi@psc.state.fl.us
rsandy@psc.state.fl.us

/s/ Martin S. Friedman
Martin S. Friedman

JUSTIFICATION SCHEDULE

Document Name	Description	Line/Col.	Legal Citation
Irog 53 -	Payroll Taxes & Benefits	All Tabs & Columns that include salary and benefits amounts	<i>Florida Power & Light Company et al. v. Public Service Commission</i> , 31 So. 3d 860 (Fla. 1st DCA 2010)
Irog 54 – Pay Ranges & Employee Count	Employee Salary Information	All Min., Mid. And Max. Columns	<i>Florida Power & Light Company et al. v. Public Service Commission</i> , 31 So. 3d 860 (Fla. 1st DCA 2010)
Irog 55 -	Salary & Wage Increases	All columns that identify employees and compensation	<i>Florida Power & Light Company et al. v. Public Service Commission</i> , 31 So. 3d 860 (Fla. 1st DCA 2010)
Irogs 57 & 58 -	Severance Pay	All columns that identify employees and compensation	<i>Florida Power & Light Company et al. v. Public Service Commission</i> , 31 So. 3d 860 (Fla. 1st DCA 2010)
Irogs 59 & 60 -	Incentive Compensation	All Plan provisions, and amounts	367.156(3), F.S.
Irogs 62 & 63 -	Officer Compensation & Benefits	All columns that identify employees and compensation	<i>Florida Power & Light Company et al. v. Public Service Commission</i> , 31 So. 3d 860 (Fla. 1st DCA 2010); 367.156(3), F.S.
Irog 64 -	Board of Directors Compensation	All columns that identify board members and compensation	<i>Florida Power & Light Company et al. v. Public Service Commission</i> , 31 So. 3d 860 (Fla. 1st DCA 2010);
Irogs 67 & 69 -	Benefit Plans	All Plan provisions	367.156(3), F.S.