

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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
ORDER NO. PSC-09-0841-PCO-WS
ISSUED: December 21, 2009

TEMPORARY PROTECTIVE ORDER

On October 23, 2009, Aqua Utilities Florida, Inc. (Aqua) filed its Motion for Temporary Protective Order based on confidentiality, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006(6), Florida Administrative Code (F.A.C.), covering certain documents sought by the Office of Public Counsel (OPC) in its Thirteenth Request for Production of Documents. Aqua states that the information and documents for which it seeks a Temporary Protective Order are being produced in response to OPC's Request for Production of Document No. 249.¹ FPUC contends that the documents responsive to OPC's Request for Production of Document No. 249 contain confidential proprietary business information which would harm the privacy interests of individual customers and subject the customers to other harm, including potential identity theft.

Rule 25-22.006(6), F.A.C., codifies the Commission's policy protecting confidential information from public disclosure during the discovery process in a manner that is not overly burdensome to both parties. Rule 25-22.006(6)(a), F.A.C., in pertinent part, states that ". . . any utility or other person may request a protective order protecting proprietary confidential business information from discovery." Additionally, Rule 25-22.006(6)(c), F.A.C., states:

When a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from section 119.07(1), Florida Statutes.

Upon consideration, pending the final determination of the confidential nature of these documents, the documents responsive to OPC's Request for Production No. 249 shall be protected by a Temporary Protective Order, and shall be treated as confidential. Also, OPC has requested the same type information in its Request for Production of Documents No. 250. Pending the final determination of the confidential nature of these documents, the documents

¹ These documents consist of: (1) Monthly Reports of Customer Complaints containing customers' names, addresses, telephone numbers and account numbers; and (2) compact disks containing sound recordings of customer complaints in which information such as credit card data, social security numbers, bank account numbers, customer medical condition, or address may be discussed for the months of July and August.

DOCUMENT NUMBER-DATE

12141 DEC 21 8

FPSC-COMMISSION CLERK

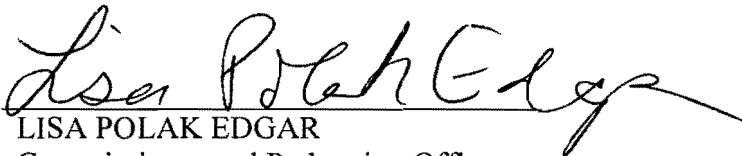
responsive to OPC's Request for Production No. 250 shall be protected by a Temporary Protective Order, and shall be treated as confidential.

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the Motion for a Temporary Protective Order filed by Aqua Utilities Florida, Inc. is granted. It is further

ORDERED that the information and documents provided in response to the Office of Public Counsel's Request for Production of Documents Nos. 249 and 250 shall be protected by a Temporary Protective Order, pending the final determination of their use before the Commission, at which time a determination of their confidentiality will be made.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 21st day of December, 2009.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(SEAL)

RRJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.