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January 15, 1997

ORIGINAL
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VIA FEDERAL EXPRESS

Blanca Bayo, Director
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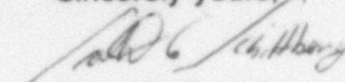
RE: Application for Rate Increase in Duval, Nassau, and St. Johns
Counties by United Water Florida Inc., Docket No. 960451-WS

Dear Ms. Bayo:

In connection with the above-referenced matter, please find enclosed for filing an original and seven copies of a Motion for Reconsideration of Order No. PSC-97-0022-FOF-WS on behalf of United Water Florida Inc. Please file the original and distribute the copies in accordance with your usual procedures.

If you have any questions or comments regarding this matter, please do not hesitate to call.

Sincerely yours,


Scott G. Schildberg

SGS/msa
Enclosures

cc: Mr. David E. Chardavoyne
Mr. Walton F. Hill
Mr. Robert J. Iacullo
Mr. Frank J. McGuire
Mr. Munipalli Sambamurthi
Ms. Rosanne Capeless via facsimile
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Rate Increase)	DOCKET NO. : 960451-WS
in Duval, Nassau, and St. Johns)	
Counties by United Water Florida)	Date Submitted for
Inc.)	Filing: January 15, 1997

**MOTION FOR RECONSIDERATION OF
ORDER NO. PSC-97-0022-FOF-WS**

United Water Florida Inc. ("UWF"), United Water Resources Inc. ("UWR"), United Waterworks Inc. ("UWW"), and United Water Management and Services Inc. ("UWS"), (hereinafter sometimes collectively referred to as "United Water"), by and through the undersigned attorneys, hereby file this motion for reconsideration of Order No. PSC-97-0022-FOF-WS, Order Overruling Objection to Interrogatory No. 73 From the Commission Staff's Second Set of Interrogatories and Denying Motion for Protective Order, including Request for Confidential Classification of Commission Document No. 12596-96 ("Order"), and state as follows:

1. In Interrogatory No. 73 of the Staff's Second Set of Interrogatories to United Water Florida Inc. ("Interrogatory No. 73"), the Staff of the Florida Public Service Commission ("Commission") is requiring UWF to "provide the annual salary for 1995 and as projected for 1996 and 1997 for any person employed by UWR, UWW, and UWS which is testifying in this case and/or which has charged time to the company during the historic test year 1995."

2. UWF timely filed its Objection to Interrogatory No. 73 of Commission Staff's Second Set of Interrogatories to United Water Florida Inc. ("Objection").

3. Subsequently, UWF, UWR, UWW, and UWMS timely filed a Notice of Intent to Request Confidential Classification ("Notice") and a Motion for Protective Order, including Request for Confidential Classification ("Motion").

4. In the Order, the Prehearing Officer overruled the Objection and denied the Motion.

5. The purpose of a motion for reconsideration is "merely to bring to the attention of the [Commission]...some point which it overlooked or failed to consider when it rendered its order in the first instance." Diamond Cab Co. of Miami vs. King, 146 So.2d. 889, 891 (Fla. 1962).

6. In Paragraph 3 of the Motion, United Water sets forth that the requested information falls within the statutory definition of Proprietary Confidential Business Information provided in Section 367.156(3), Florida Statutes:

The information requested is proprietary confidential information of UWR, UWW, UWMS, and their affiliates, including UWF ("UW Companies"). The information (i) is owned or controlled by the UW Companies, (ii) is intended to be and is treated by the UW Companies as private in that disclosure of the information would cause harm to the business operations of the UW Companies, and (iii) has not been disclosed unless disclosed pursuant to a statutory provision, an order of court or administrative body, or a private agreement

that provides that the information will not be released to the public.

The Motion then explains how the requested information falls within the statutory definition.

7. However, the Order fails to consider whether the requested information falls within the statutory definition of Proprietary Confidential Business Information set forth in Section 367.156(3), Florida Statutes. Instead, the Order merely determines that the requested information does not fall within the definition of Subsections 367.156(3)(e) or (f), Florida Statutes.

8. The Order fails to consider that subsection 3(e) and 3(f) are merely items in a noninclusive list setting forth examples of proprietary business information. As stated in the sentence to which the two subsections are a part:

"Proprietary business information includes, but is not limited to" Section 367.156(3), Florida Statutes (emphasis added).

Accordingly, the list is not designed to exclude information from being considered as proprietary business information, but to provide examples of information which are proprietary business information. The list does not contain a prohibition against a finding of proprietary confidential business information for the type of information requested in Interrogatory No. 73.

9. In narrowing its focus to the two subsections, the Order overlooks the facts set forth in the Motion which establish that the requested information:

(i) is owned or controlled by the UW Companies, (ii) is intended to be and is treated by the UW Companies as private in that disclosure of the information would cause harm to the business operations of the UW Companies, and (iii) has not been disclosed unless disclosed pursuant to a statutory provision, an order of court or administrative body, or a private agreement that provides that the information will not be released to the public.

10. For example, the Order focuses on whether the disclosure of the requested information would protect against a competitor obtaining an unfair advantage in the competitive market for goods or services. First, the focus is wrong because the specific subsection addresses the avoidance of impairing the interests of the utility or its affiliates. The subsection does not require a finding that a competitor will receive an advantage. See Section 367.156(3)(e), Florida Statutes. Second, proprietary business information is not limited to information of which the disclosure would impair the ability of the utility or its affiliates to contract for goods and services. The statutory definition of proprietary business information includes information whose disclosure would cause harm to the ratepayers or a company's business operations. The Order fails to consider that proper focus of its review should be the harm to business operations, as set forth in the Motion, and not merely the more narrow categories set forth in subsections 367.156(3)(e) and (f), Florida Statutes.

12. The Order states that:

It is of no consequence that Commission Document No. 12596-96 contains salary information for employees of UWF's affiliated companies rather than for employees of UWF [because]...Section 367.156(1), Florida Statutes, provides that the Commission shall have reasonable access to relevant records of the utility as well as to those of its affiliated companies, including its parent company. Order, page 2.

The Order fails to consider that United Water has not sought to deny the Commission access to the requested information. The Order overlooks the provision in the Motion which would permit the inspection and review of the answer to Interrogatory No. 73 by the Staff of the Commission and the Office of Public Counsel. Motion, page 4, paragraph 8(b).

13. The three (3) orders cited in the Order do not address the argument in the Motion that the requested information falls within the statutory definition of Proprietary Confidential Business Information. In each order, the Prehearing Officer was addressing a motion by Southern States Utilities, Inc. ("SSU"), for confidential treatment of information which depended upon a finding that the employee salary information fell within a specific example of proprietary business information listed in Section 367.156(3), Florida Statutes. In Order No. PSC-92-1073-CFO-WS, SSU sought to have the information classified as a "trade secret." See Subsection 367.156(3)(a), Florida Statutes. In Order Nos. PSC-96-0211-CFO-WS and PSC-96-0407 CFO-WS, SSU sought to have the information classified as proprietary business information under

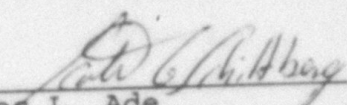
Subsection 367.156(3)(e), Florida Statutes. The Motion is not limited to either such subsection and the Motion establishes that the requested information falls within the statutory definition of Proprietary Confidential Business Information set forth in Section 367.156(3), Florida Statutes.

WHEREFORE, UWF, UWR, UWW, and UWMS request that the Commission grant this Motion for Reconsideration of Order No. PSC-97-0022-FOF-WS, classify UWF's answer to Interrogatory No. 73 as confidential information, and issue a protective order consistent with the provisions set forth in the Motion.

Dated this 15th day of January, 1997.

Respectfully submitted,

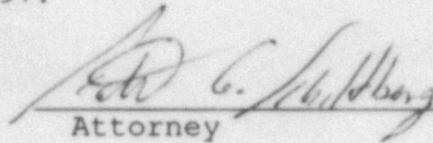
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Attorneys for United Water
Florida Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and seven copies of the Motion for Reconsideration of Order No. PSC-97-0022-FOF-WS, has been furnished by Federal Express this 15th day of January, 1997 to Blanca Bayo, Director, Division of Records and Reporting, Florida Public Service Commission, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and a copy of the foregoing has been furnished to Rosanne G. Capeless, Attorney for the Staff of the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and to Harold McLean, Esquire, Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399-1400, by U.S. Mail and facsimile, this 15th day of January, 1997.



Attorney