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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: APPLICATION FOR RATE  
INCREASE IN MONROE COUNTY  
BY KEY HAVEN UTILITY  
CORPORATION

Docket No. 020344-SU;  
Audit Control No. 02-249-4-1

REQUEST FOR CONFIDENTIAL CLASSIFICATION

KEY HAVEN UTILITY CORPORATION (*Key Haven*), by and through its undersigned attorneys and pursuant to Rule 25-22.006, Florida Administrative Code (*FAC*) and Section 367.156, Florida Statutes, hereby requests confidential classification of certain work papers provided by Key Haven in connection with the audit of this matter (*Work Papers*).

1. The information which Key Haven seeks to be classified as confidential consists of the W-2's of an employee of Key Haven and an independent contractor paid by Key Haven pursuant to a management agreement (collectively, the *Lujans*). The W-2's reflect income earned by the Lujans from sources other than Key Haven.

2. Attached to this Request is (a) a "Justification Table" which specifies what information in the Work Papers Key Haven requests the Commission to classify as confidential and the statutory justification for the request in compliance with FAC Rules 25-22.006(4)(a) and (c); and (b) one highlighted copy and two redacted copies of the Work Papers as required by FAC Rule 25-22.006(4)(a).

3. The information contained in the Work Papers should be classified as confidential because the information contained in them is the private, confidential information of the Lujans and its disclosure is not required by law or the public interest.

4. The information contained in the Work Papers should be classified as confidential because it cannot be considered "employee personnel information unrelated to compensation, duties, qualifications, or responsibilities" under Section 367.0156(3)(f), Florida Statutes. The information Key Haven seeks to classify as confidential relates to income of the Lujans. However, this income

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is not from compensation attributable to any contractual relationship between either of the Lujans and Key Haven. The source of this income is commissions indirectly earned by the Lujans pursuant to agreements between business enterprises which are owned or controlled by one or more of the Lujans, and the employees of such enterprise (*Agreements*). A. Wayne Lujan is not an employee of Key Haven but performs services for Key Haven pursuant to a management agreement with Key Haven. Therefore, information relating to his income deriving from sources other than Key Haven would not relate to “compensation, duties, qualifications, or responsibilities”, and therefore should be classified as confidential. Andrea Lujan is an employee of Key Haven; however, information relating to her income deriving from sources other than Key Haven does not relate to her “compensation, duties, qualifications, or responsibilities” as an employee of Key Haven, and therefore should be classified as confidential.

5. The information contained in the Work Papers should be classified as confidential under Section 367.156(3)(e), Florida Statutes. The Agreements, and all information relating to or deriving from them, are proprietary confidential business information of such enterprises relating to the competitive interests of such enterprises, the disclosure of which would impair the competitive business of the enterprises and the Lujans, the providers of the information.

6. The information contained in the Work Papers relating to income of the Lujans should be classified as confidential because the enterprises from which such income is derived are not related to the business or operations of Key Haven.

7. The information contained in the Work Papers relating to income of the Lujans should be classified as confidential because the payment of such income is not a cost that will be passed on by Key Haven to rate payers.

8. The information contained in the Work Papers relating to income of the Lujans should be classified as confidential because its disclosure would not serve any public purpose.

9. The confidential information contained in the Work Papers relating to the social security numbers of the Lujan's should be classified as confidential because its disclosure could cause serious harm to the financial security of the Lujans.

WHEREFORE, Key Haven respectfully requests that the Commission determine that the Work Papers are entitled to confidential treatment pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, FAC, and exempt from public disclosure.

Respectfully submitted on this  
14<sup>th</sup> day of December, 2002 by:

ROSE, SUNDSTROM & BENTLEY, LLP  
600 S. North Lake Boulevard  
Suite 420  
Altamonte Springs, FL 32701  
(407) 830-6331

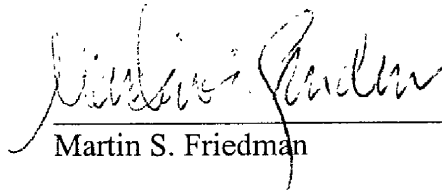
BY: 

Martin S. Friedman

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 0020344-SU**

I HEREBY CERTIFY that a true and correct copy of the foregoing REQUEST FOR CONFIDENTIAL CLASSIFICATION has been furnished by U.S. Mail and facsimile to the following parties on this 14<sup>th</sup> day of December, 2002:

Ms. Gabriela Leon, Audit Manager  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

  
\_\_\_\_\_  
Martin S. Friedman

**JUSTIFICATION TABLE  
DOCKET NO. 020344-SU  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
KEY HAVEN UTILITY CORPORATION**

Working Paper No.	Description	No. of Pages	Confidential?	Line/No. Column No.	Florida Statute 367.156(3) Subsection
43-4	W-2 Form 2001 for A. Wayne Lujan	2	Yes	Redacted Information	(e), (f)
43-6	W-2 Form 2001 for Andrea Lujan	1	Yes	Redacted Information	(e) and (f)

CONFIDENTIAL INDEX

WP #	WORKPAPER DESCRIPTION	NUMBER OF PAGES
43-4	W-2 FORM - 2001	2
43-6	11	1

pb

Confidential

DEC-12-2002 THU 03:08 PM SOUTHERNMOST INSURANCE  
FAX NO. 3052930629  
OCT-23-2002 WED 03:18 PM SOUTHERNMOST INSURANCE  
FAX NO. 3052930629

a Control number		b Employer Identification number		c Employer's name		d Employee's social security number		e Employee's first name and initials		f Employee's address and ZIP code	
15 State		16 State wages, tips, etc.		17 State/local tax		18 Local wages, tips, etc.		19 Local income tax		20 Local name	
1 Wages, tips, other comp.		2 Fed. income tax withheld		3 Social security wages		4 Soc. sec. tax withheld		5 Medicare wages		6 Medicare tax withheld	
7 Social security tax		8 Allocated tips		9 Advance EIC payment		10 Dependent care benefits		11 Nonqualified plans		12a See inst. for box 12	
13a		13b		13c		13d		13e		13f	
14 Other											

Wage and Tax  
 Form **W-2** Statement **2001**  
 1 BWZERD 1/1F 15/02 Copyright 2001 Grellmark/Netco LP - Forms Software Only

32-1504817 Department of the Treasury - Internal Revenue Service  
 For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.





Key Haven Utility Corp.  
Kauai Base Workcenter System  
Audit #02-249-4-1 Control: 90200344-SU  
TYPE: 12/31/01

Title: *W-2-fol*

*Confidential*

*W-2-fol*  
*1/15/02*

*43-1*

Employer Identification Number		Copy D For Employer.		Wages, tips, and other compensation		Federal income tax withheld	
7		OMB No. 1545-0048		1		2	
c Employer's name, address, and ZIP code		3 Social security		5 Medicare wages and tips		6 Medicare tax withheld	
d Employee's social security number		7 Social security tips		9 Advance EIC payment		10 Dependent care benefits	
e Employee's first name and initial Last name		11 Nonqualified plans		12a See inst. for box 12		12b	
		13 Statutory employee Retirement plan Third-party sick pay		12c		12d	
f Employee's address and ZIP code		14 Other		15 State Employer's state ID number		16 State wages, tips, etc.	
				17 State income tax		18 Local wages, tips, etc.	
				19 Local income tax		20 Locality name	

Wage and Tax  
Form W-2 Statement 2001

39-1209647 Department of the Treasury — Internal Revenue Service  
For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.

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P. 05  
13-6