

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase in water and)
wastewater rates in Alachua, Brevard, DeSoto,) **DOCKET NO. 080121-WS**
Highlands, Lake, Lee, Marion, Orange,)
Palm Beach, Pasco, Polk, Putnam,) **FILED: August 11, 2009**
Seminole, Sumter, Volusia, and Washington)
Counties by Aqua Utilities Florida, Inc.)
_____)

**AQUA UTILITIES FLORIDA, INC.'S
MOTION FOR PROTECTIVE ORDER BASED ON CONFIDENTIALITY**

Aqua Utilities Florida, Inc. ("AUF"), pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, respectfully requests that the Florida Public Service Commission ("Commission") issue a protective order covering certain documents requested by the Office of Public Counsel ("OPC") relating to the quality of service monitoring information which AUF is required to submit to the Commission in accordance with Order No. PSC-09-0385-FOF-WS (the "Order"). In support of its request, AUF states:

1. The Order requires AUF to submit to the Commission (i) a monthly report listing all customer complaints for the first six (6) months after the Order is issued and (ii) sound recordings of customer complaints for the month for the first six (6) months after the Order is issued. Order at 22. The Order also requires AUF to submit to staff meter reading route schedules for the six (6) months after the Order is issued and meter reading logs for the same six (6) month period. *Id.* The monthly customer complaints reports, the monthly sound recordings and the meter reading logs all contain proprietary customer-specific information, the disclosure of which would harm the privacy interests of individual customers and subject those customers to other harm, including potential identity theft. Accordingly, AUF has requested customer-specific information submitted to the Commission in accordance with the quality of service

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FPSC-COMMISSION CLERK

monitoring initiative be classified as confidential and exempt from Chapter 119, Florida Statutes, and Article I, Section 24(a) of the Florida Constitution.¹

2. Over the past month, AUF has received from OPC three separate requests for production of documents requesting "unredacted customer complaints, unredacted meter logs and . . . unedited disks filed with the Florida Public Service Commission." Those requests are dated July 1, 21 and 27, 2009. On August 4, 2009, OPC filed a Motion to Compel AUF to provide it with unredacted copies of past and future filings relative to the quality of service monitoring information that AUF files with the Commission.

3. As explained in greater detail in AUF's contemporaneously-filed Response in Opposition to OPC's Motion to Compel, discovery in this matter is closed at this time. *See* Order No. PSC-08-0429-PCO-WS. Therefore, AUF is under no obligation to respond to OPC's discovery. *See In re: Petition for arbitration of amendment to interconnection agreements with certain competitive local exchange carriers and commercial mobile radio service providers in Florida by Verizon Florida, Inc.*, 05 F.P.S.C. 5:33, Order No. PSC-05-0484-PCO-TP, Docket No. 040156-TP (May 4, 2005). In addition, there is no compelling reason to reopen discovery at this point in time. Allowing OPC to conduct extensive discovery prior to the completion of staff's service quality audit would interfere with the audit and effectively undermine the independence of that audit process.


4. Nevertheless, to avoid the time and expense of a protracted discovery dispute, AUF is prepared to voluntarily supply OPC with the unredacted information that it requests subject to a protective order. Thus, OPC can have access to the information that it requests

¹ AUF's requests for confidential classification were filed in this docket on June 22, July 20 and July 23, 2009.

without the need to reopen discovery in this matter. By providing OPC with the unredacted information that it requests under cover of a protective order, AUF does not waive its appropriate objections to producing this information nor does it agree to the reopening of discovery in this matter. Instead, AUF will provide the documents to OPC marked as confidential subject to the protective order, AUF's objections, and the laws, rules and orders cited in its requests for confidential classification in this docket. Furthermore, by following this procedure, AUF is not waiving its rights to seek further relief as necessary to make certain that confidential, proprietary business is not publicly disclosed.

WHEREFORE, AUF respectfully requests that the Commission issue a protective order relative to documents containing customer-specific information submitted by AUF in accordance with the quality of service monitoring initiative, which order instructs OPC to treat those documents as confidential, and prohibits OPC from utilizing that confidential information in a fashion that would interfere with, or undermine the independence of, staff's service quality audit.

Respectfully submitted this 11th day of August, 2009 by:



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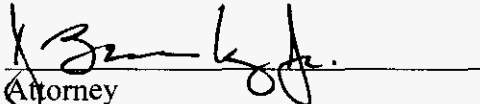
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished by hand delivery this 11th day of August, 2009 to the following:

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