

Ruth Nettles

090381-SU

From: Michele Parks [michele@RSBattorneys.com]
Sent: Monday, March 15, 2010 3:45 PM
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Subject: Docket No.: 090381-SU/Utilities, Inc. of Longwood
Attachments: Request for Confidential Classification (Longwood).pdf

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- b. Docket No.: 090381-SU; Application of Utilities, Inc. of Longwood for an increase in Wastewater Rates in Seminole County, Florida
- c. Utilities, Inc. of Longwood
- d. 4 pages
- e. Motion for Protective Order and Request for Confidential Classification

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 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of
UTILITIES, INC. OF LONGWOOD
for an increase in wastewater
rates in Seminole, County, Florida

DOCKET NO.: 090381-SU

**UTILITIES, INC. OF LONGWOOD'S MOTION FOR PROTECTIVE ORDER
AND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

UTILITIES, INC. OF LONGWOOD (the "Utility"), by and through its undersigned counsel, files this Motion for Protective Order and Request for Confidential Classification in relation to documents submitted in connection with the Utility's Response to Staff's First Data Request filed in the above-captioned proceeding and the Utility's responses to Audit Staff's requests for information in connection with Audit Control No. 09-280-4-1.

1. Under Section 367.156(2), Florida Statutes, this Commission has the authority to classify certain material as proprietary confidential business information. This classification exempts the material from public disclosure under Section 119.07(1), Florida Statutes.

2. The Utility requests the following:

(a) all of its responses to Staff's First Data Request, Item No. 4 relating to employee compensation information be classified as proprietary business information under Section 367.156(2), Florida Statutes, and Rule 25-22.06, Florida Administrative Code;

(b) all of its responses (Workpapers Vol 5 of 5) for Utilities, Inc. for the rate case audit (Audit Control No. 09-280-4-1) designated as confidential be classified as proprietary confidential business information under Section 367.156(2), Florida Statutes, and Rule 25-22.06, Florida Administrative Code; and

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(c) if this request is granted, then all said response to Staff's First Data Request, Item No. 4 and said workpapers provided to Staff in connection with Audit Control No. 09-280-4-1 will be exempt from Section 119.07(1), Florida Statutes.

3. The information produced in response to Staff's First Data Request, Item No. 4 and in response to Audit Staff's requests for compensation information is currently kept confidential by the Utility and consists of employee's name and title, base salary, overtime, raises, and total compensation. It 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, 35 Fla. L. Weekly d516 (Fla. 1st DCA 2010).

4. Moreover, 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.

5. The Utility requests that the protective order specifically provide that:

(a) Copies of the response to Staff's First Data Request and responses to said Audit Staff requests, and any other documents, such as internal memoranda and notes that may be created, that contain any of the information covered by the protective order, be protected from disclosure to any persons other than those specified in the protective order;

(b) The number of copies of the response to Staff's First Data Request and responses to said Audit Staff requests and any other documents, internal memoranda and notes that may be created, that contain any of the information covered by the protective order be limited to five (5);


(c) Only persons within the Commission Staff and the Office of the Public Counsel who are working on this matter may view the response to Staff's First Data Request and responses to said Audit Staff requests and any other documents, internal memoranda and notes that may be created, that contain any of the information covered by the protective order; and

(d) Once the protected materials are no longer needed to proceed on this matter, the Commission and the Office of Public Counsel Staff who have the original or any copies in their possession will return the original response and all copies to UTILITIES, INC. OF LONGWOOD via the undersigned counsel.

WHEREFORE, UTILITIES, INC. OF LONGWOOD prays for the entry of the protective order that is consistent with this Motion.

Respectfully submitted on this 15th day of March, 2010 by:

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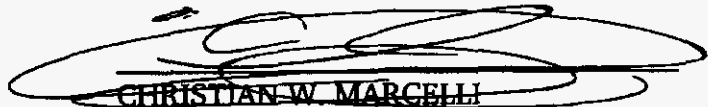
CHRISTIAN W. MARCELLI
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 090381-SU

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Protective Order and Request for Confidential Classification has been filed with the PSC Clerk's E-filing system and furnished by U.S. Mail to the following parties this 15th day of March, 2010:

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