

**Diamond Williams**

100330-WS

**From:** Georgianna.Hatch@hklaw.com  
**Sent:** Tuesday, January 18, 2011 3:15 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 100330-WS  
**Attachments:** E Filing for Docket No. 100330-WS.pdf

Submitted for E Filing is the following:

Attached is a PDF Containing a cover letter and the three (3) referenced filings for Docket No. 100330-WS:

- (1) AUF's Notice of Service of Answers and Objections to Citizens Second Set of Interrogatories (Nos. 119-150);
- (2) AUF's Notice of Service of Responses and Objections to Citizens' Second Set of Request for Production of Documents (Nos. 98-112; and
- (3) AUF's Motion for Temporary Protective Order.

### **Georgianna Hatch Holland & Knight**

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D. Bruce May, Jr.  
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January 18, 2011

*Via E-mail*

Ms. Ann Cole  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, FL 32399-0850

Re: *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. 100330-WS*

Dear Ms. Cole:

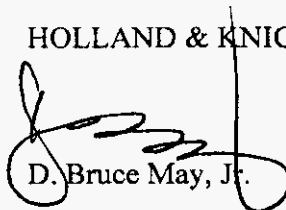
On behalf of Aqua Utilities Florida, Inc. ("AUF"), enclosed for filing are:

1. AUF's Notice of Service of Answers and Objections to Citizen's Second Set of Interrogatories (Nos. 119-150);
2. AUF's Notice of Services of Responses and Objections to Citizen's Second Set of Request for Production of Documents (Nos. 98-112); and
3. AUF's Motion for Temporary Protective Order.

Thank you for your assistance.

Sincerely,

HOLLAND & KNIGHT LLP



D. Bruce May, Jr.

DBM:kjg

Ann Cole  
January 18, 2011  
Page 2

Encls.

cc: Katherine Fleming, Esq.  
Ralph Jaeger, Esq.  
Caroline Klancke, Esq.  
J.R. Kelly, Esq.  
Charles Beck, Esq.  
Patricia Christensen, Esq.  
Kimberly A. Joyce, Esq.  
Troy Rendell

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**


In Re: Application for increase in water and )  
wastewater rates in Alachua, Brevard, DeSoto, ) DOCKET NO. 100330-WS  
Highlands, Lake, Lee, Marion, Orange, )  
Palm Beach, Pasco, Polk, Putnam, ) Dated: January 18, 2011  
Seminole, Sumter, Volusia, and Washington )  
Counties by Aqua Utilities Florida, Inc. )  
\_\_\_\_\_)

**AQUA UTILITIES FLORIDA, INC.'S NOTICE OF SERVICE OF RESPONSES AND  
OBJECTIONS TO OPC'S SECOND REQUEST FOR PRODUCTION  
OF DOCUMENTS (NOS. 98-112) TO AQUA UTILITIES FLORIDA, INC.**

Aqua Utilities Florida, Inc. ("AUF"), by and through its undersigned counsel, and pursuant to Rule 28-106.206, Florida Administrative Code, Rule 1.350, Florida Rules of Civil Procedure, and Order No. PSC-11-0018-PCO-WS issued January 5, 2011, gives notice that it has served its Responses and Objections to the Second Request for Production of Documents (Nos. 98-112), propounded by the Citizens of the State of Florida, Office of Public Counsel ("OPC") on November 16, 2010.

Dated this 18th day of January, 2011.

**HOLLAND & KNIGHT LLP**

  
\_\_\_\_\_  
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**Gigi Rollini**  
Fla. Bar No. 684491  
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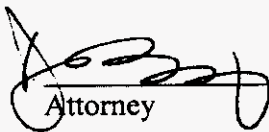
**Attorneys for Aqua Utilities Florida, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was furnished by U.S. Mail and e-mail this 18th day of January, 2011 to:

Katherine Fleming/Ralph Jaeger/  
Caroline Klancke  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

J.R. Kelly/Charles Beck/  
Patricia Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 W Madison St, Room 812  
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\_\_\_\_\_  
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**Attorneys for Aqua Utilities Florida, Inc.**

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Attorney

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.	Docket No. 100330-WS Dated: January 18, 2011
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**AQUA UTILITIES FLORIDA, INC.'S  
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Aqua Utilities Florida, Inc. ("AUF"), pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby moves the Commission, through the Prehearing Officer, for a temporary protective order exempting from Section 119.07(1), Florida Statutes, certain confidential information responsive to the Office of Public Counsel's ("OPC's") Second Request for Production of Documents ("RPOD") No. 103. As grounds for its request, AUF states:

1. RPOD No. 103. In RPOD No. 103, OPC has requested that AUF produce proprietary "as-built or record drawings" of AUF's pro forma plant projects. This information is treated by AUF as strictly confidential in order to protect the safety and security of its water and wastewater facilities. Accordingly, this information is entitled to confidential classification because it constitutes "proprietary confidential business information."

2. Section 367.156 Florida Statutes, authorizes the Commission to keep confidential and exempt from Section 119.07(1) Florida Statutes, "proprietary confidential business information" the disclosure of which would harm the utility's customers or its business operations. Public disclosure of as-built drawings of AUF's water and wastewater facilities could endanger AUF's customers and its operations by providing a blueprint for potential



terrorists and others that seek to sabotage or destroy those strategic assets. The Commission has extended confidentiality protections for this type of information in the past. See Commission Order No. PSC-02-1600-CFO-EI (protecting as confidential "information which could be used as a 'roadmap' for potential terrorists or saboteurs who might seek to disable two or more of FPC's power plants".)

3. Rule 25-22.006(6)(c), Florida Administrative Code, specifically permits a utility to agree to allow OPC to inspect or take possession of information for the limited purpose of determining whether that information will be used in a proceeding, and to seek a temporary protective order to ensure the confidentiality of such material during that process.

4. Pursuant to Rule 25-22.006(6)(c), AUF agrees to make the requested documents available to OPC for inspection at the undersigned's offices in Tallahassee, Florida, and seeks a temporary protective order to ensure the confidentiality of such material related to that inspection. AUF will also make such documents available to Commission Staff for review upon issuance of the temporary protective order.

5. Rule 25-22.006(6)(c) prohibits OPC's retention of confidential information if OPC determines such information will not be used in a proceeding before the Commission. AUF requests that the Commission require OPC to promptly notify AUF if, after inspection, it intends to use AUF's confidential information at hearing so that AUF has fair opportunity to move for a full protective order under Rule 25-22.006(6)(a). See Fla. Admin. Code R. 25-22.006(6)(c) ("If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under [Rule 25-22.006(6)](a) above.").

6. AUF has been authorized by counsel for OPC to represent that OPC does not object to the granting of this Motion.

WHEREFORE, AUF respectfully requests that the Commission enter a temporary protective order protecting against public disclosure the confidential information provided by AUF in response to OPC's Second RPOD No. 103.

Respectfully submitted this 18<sup>th</sup> day of January 2011, by:

**HOLLAND & KNIGHT LLP**

  
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***Attorneys for Aqua Utilities Florida, Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was furnished by U.S. Mail and e-mail this  
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Charles Beck, Esq.  
Patricia Christensen, Esq.  
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