

State of Florida



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Public Service Commission

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COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: June 21, 2011
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Dale R. Buys, Regulatory Analyst IV, Division of Economic Regulation *DRB*
RE: Docket No. 100426-WS; Application for increase in water and wastewater rates in Lake County by Lake Utility Services, Inc.

Please file the attached document in the above referenced docket. The document is Lake Utility Services, Inc.'s Motion for Temporary Protective Order dated June 14, 2011.

DOCUMENT NUMBER-DATE

04278 JUN 21 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of
LAKE UTILITY SERVICES, INC.
for an increase in water and wastewater
rates in Lake County, Florida

DOCKET NO.: 100426-WS

LAKE UTILITY SERVICES, INC.'S
MOTION FOR TEMPORARY PROTECTIVE ORDER

LAKE UTILITY SERVICES, INC. (the "Utility"), by and through its undersigned counsel, and pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, files this Motion for Temporary Protective Order to exempt from Section 119.07(1), Florida Statutes, certain confidential information submitted to the Office of Public Counsel ("OPC") in response to OPC's First Set of Interrogatories, Interrogatory No. 10 (the "Confidential Information"). As grounds therefore, the Utility states:

1. OPC, via its First Set of Interrogatories, has requested proprietary and confidential executive salary information that the Utility, and its parent Utilities, Inc., treat as strictly confidential. This Confidential Information is kept confidential by the Utility and its parent for several reasons, to wit:

- a. Disclosure of compensation and benefits data would impair the ability of the Utility to contract for employees on favorable terms.
- b. Disclosure of the compensation data would impair the Utility's competitive interests as described in Florida Power & Light Company et al. v. Public Service Commission, 35 Fla. L. Weekly d516 (Fla. 1st DCA 2010). The Utility keeps this information strictly confidential to prevent other utilities from stealing their employees and to prevent lowered morale and infighting among employees who have the same position but varying wages.
- c. Disclosure of the Confidential Information would invade the privacy rights of the employee and be in conflict with Article I, Section 23 of the Florida Constitution.

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2. The Confidential Information is proprietary confidential business information. Under Section 367.156, Florida Statutes, this Commission has the authority to classify certain material as proprietary confidential business information thereby exempting the material from public disclosure under Section 119.07(1), Florida Statutes.

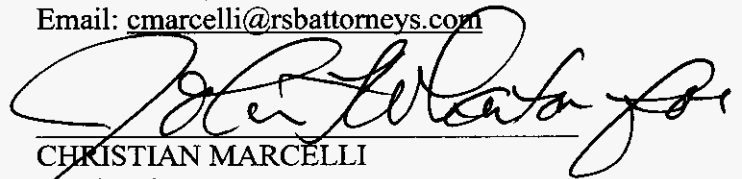
3. Pursuant to Rule 25-22.006(c), the Utility will make the Confidential Information available to OPC for inspection to determine whether the Confidential Information will be used in a proceeding, and will make the Confidential Information available to Staff upon issuance of the protective order.

4. Pursuant to Rule 25-22.006(c), OPC must return the Confidential Information to the Utility if the Confidential Information will not be used in a proceeding. If OPC intends to use the Confidential Information in a proceeding, then OPC must notify the Utility so that the Utility may move for a full protective order under Rule 25-22.006(a).

WHEREFORE, LAKE UTILITY SERVICES, INC. prays for a temporary protective order against public disclosure of the Confidential Information.

Respectfully submitted on this 14th day of
June, 2011 by:

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CHRISTIAN MARCELLI
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 100426-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Temporary Protective Order has been hand delivered to the PSC Clerk and furnished by E-mail and U.S. Mail to the following parties this 14th day of June, 2011:

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