

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water/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
ORDER NO. PSC-11-0356-PCO-WS
ISSUED: August 25, 2011

TEMPORARY PROTECTIVE ORDER
(DOCUMENT NO. 02730-11)

By its Motion for Protective Order (Motion), filed April 20, 2011, Aqua Utilities Florida, Inc. (AUF) has requested, pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), that this Commission issue a protective order for materials and information requested by YES Companies d/b/a Arredondo Farms (YES). YES did not respond to this Motion and the time for filing any response has now expired. AUF's request is for temporary confidential treatment of information and documents provided pursuant to YES's Production of Documents (PODs) Requests Nos. 7, 11, 12, and 14, and YES's First Set of Interrogatories Nos. 6 and 12 (Relevant Discovery), which were served on AUF on March 18, 2011.

AUF asserts that the materials and information provided in response to the above request are covered by the definition of "proprietary confidential business information" under Section 367.156, Florida Statutes (F.S.), and contain customer specific information, consisting of name and address which has been accorded confidential treatment in the past. AUF requests that the materials and information described above and provided in response to YES's PODs and interrogatories request be granted the protection of a protective order, which will protect the materials and information from disclosure until YES completes its review.

After its review of the Relevant Discovery, YES shall determine which information it intends to use in this proceeding and shall advise AUF. AUF shall then file a motion for a permanent protective order for confidential treatment of that specific material, pursuant to Rule 25-22.006, F.A.C.

Based on the foregoing, pursuant to this Commission's authority under Section 367.156, F.S., and Rule 25-22.006, F.A.C., AUF's Motion for a Protective Order is hereby granted. However, the protective order shall only be a Temporary Protective Order, pending YES's determination of what information it intends to use in this proceeding. Accordingly, the documents and information described above and received by YES from AUF shall be kept confidential and exempt from public disclosure under Section 119.07(1), F.S., for the duration of this Temporary Protective Order.

DOCUMENT NUMBER-DATE

06121 AUG 25 =

FPSC-COMMISSION CLERK

AUF shall, in accordance with the provisions of Rule 25-22.006, F.A.C., apply for confidential treatment of those portions of the materials and information which are, in its opinion, entitled to such treatment within fourteen days of notification that YES has identified the documents or information it will use at the final hearing. This Temporary Protective Order shall remain in effect no longer than fourteen days after YES determines which information it intends to use and notifies AUF, by which time YES shall return to AUF all materials and information it does not intend to use in this proceeding. The expiration date of this Order shall be void upon the issuance of an order finding that the information and materials herein are not proprietary and confidential business information. This Order shall have no effect on the subsequent determination of any request for specified confidential classification of any of these materials and information.

Based on the foregoing, it is

ORDERED by Commissioner Ronald Brisé, as Prehearing Officer, that all documents or information received by YES Companies d/b/a Arredondo Farms from Aqua Utilities Florida, Inc., in response to YES's indicated discovery requests, shall be treated temporarily as proprietary confidential business information within the meaning of Section 367.156, F.S., and protected from public disclosure as required therein. It is further

ORDERED that once YES has notified AUF which of the materials it intends to use in this proceeding, AUF, in accordance with Rule 25-22.006, F.A.C., shall file within fourteen days a motion for a permanent protective order requesting proprietary confidential treatment of those portions of the materials and information for which it desires confidential treatment. The remaining materials of those documents or information that YES does not plan to use in this proceeding shall be returned to AUF, in accordance with Rule 25-22.006, Florida Administrative Code. It is further

ORDERED that YES shall take measures to preserve the confidentiality of the documents and information protected by this Order. No disclosure of the documents or information protected by this Order shall be made or permitted. It is further

ORDERED that this Temporary Protective Order shall remain in effect no longer than fourteen days after YES determines which information it intends to use and notifies AUF. It is further

ORDERED that this Order will be the only notification by the Florida Public Service Commission to the parties concerning the expiration of this Temporary Protective Order.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 25th day of August, 2011.



RONALD A. BRISE
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

RRJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.