

In re: Application of  
UTILITIES, INC. OF EAGLE RIDGE  
for an increase in wastewater  
rates in Lee County, Florida

11 AUG 25 PM 2: 32

Docket No. 110153-SUBM  
~~Request for confidentiality~~  
~~Notice of intent~~  
~~Request for confidentiality~~  
filed by OPC

**UTILITIES, INC. OF EAGLE RIDGE'S**  
**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

For DN 06134-11, which  
is in locked storage. You must be  
authorized to view this DN.-CLK

UTILITIES, INC. OF EAGLE RIDGE (the "Utility"), by and through its undersigned  
counsel, files this Request for Confidential Classification in relation to documents submitted with  
the Utility's response to Staff's request for additional information, dated July 26, 2011, Item No. 5.

1. Under Section 367.156, 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 that certain information provided to Staff in connection with its  
response to Staff's request for additional information dated July 26, 2011 be classified as  
proprietary confidential business information under Section 367.156(2), Florida Statutes, and Rule  
25-22.06, Florida Administrative Code (the "Confidential Information"). If this request is granted,  
then the subject portions of said response will be exempt from Section 119.07(1), Florida Statutes.  
Attached hereto as Exhibit "A" is a Justification Matrix providing a justification for the Utility's  
request. The information is enclosed herein both in highlighted and redacted format.

3. The information produced in response to Staff's request for additional information  
dated July 26, 2011, Item No. 5 regarding compensation information, is intended to be and is treated  
by the utility as private and confidential and has not been disclosed externally and has been strictly

controlled internally.

4. A portion of the information consists of employee's name and title, base salary,  
overtime, raises, taxes, pension information, total compensation and contribution to 401k plans.

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This information 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).

5. 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.

WHEREFORE, UTILITIES, INC. OF EAGLE RIDGE prays for confidential treatment and the entry of the protective order that is consistent with this Motion.

Respectfully submitted on this 25th day of August, 2011 by:

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~~CHRISTIAN MARCELLI~~  
For the Firm

JUSTIFICATION MATRIX

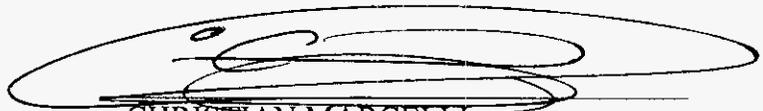
<p><u>Location</u> (Document name and location of information)</p>	<p><u>Justification</u> <i>Please note: All information for which the Utility requests confidential treatment has been kept confidential by the Utility, and intends to keep such information confidential.</i></p>
<p><b><u>Document:</u></b> 2011 Rate Cases Salary Adjustment</p> <p><b><u>Location:</u></b> pp. 14 – 27 of 124, Columns A – E (except column totals and column headings)  pp. 28 – 41 of 124, Columns F – J (except column totals and column headings)</p>	<p>§367.156(3)(d) Disclosure of compensation data, overtime data and salary increase data would impair the ability of the Utility to contract for employees on favorable terms.</p> <p>§367.156(3)(e) Disclosure of the compensation data would impair the Utility’s competitive interests as described in <u>Florida Power &amp; Light Company et al. v. Public Service Commission</u>, 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. Disclosure of the percentage contributed to 401k plans would impair the Utility’s competitive interests in a similar manner, giving competitors a tool to lure away employees and causing internal strife by exposing the employee’s private financial affairs.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.</p>

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 110153-SU**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been hand delivered to the PSC Clerk and furnished by U.S. Mail to the following parties this 25th day of August, 2011:

Stephen Reilly, Esquire  
Office of Public Counsel  
C/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

Jennifer Crawford, Esquire  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

A handwritten signature in black ink, appearing to read 'CHRISTIAN MARCELLI', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

CHRISTIAN MARCELLI  
For the Firm