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ROBERT M.C. ROSE, (1924-2006)

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

claim of confidentiality
notice of intent
[X] request for confidentiality
filed by OPC

For DN 06360-11, which
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RE: Docket No. 110061-WS; Application for Authority to Transfer the Assets of Service
Management Systems, Inc., and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc.
in Brevard County, Florida
Our File No.: 45052.01

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Aquarina Utilities, Inc.'s Motion for
Temporary Protective Order and Request for Confidential Classification.

Should you or the Staff have any questions regarding this filing, please do not hesitate to give
me a call.

Very truly yours,

[Handwritten signature of Martin S. Friedman]

MARTIN S. FRIEDMAN
For the Firm

MSF/tlc
Enclosures

cc: Mr. James I. Minnes (w/enclosures)
Anna Norris, Esquire, Office of the General Counsel (w/enclosures)
J.R. Kelly/Stephen C. Reilly, Esquire, Office of Public Counsel (w/enclosures)
Mr. Reginald J. Burge (w/enclosures)

M:\ALTAMONTEAQUARINA UTILITIES (45052)\(01) Transfer of Aquarina System\TRANSFER\FPSC Clerk 10 (Motion for Temporary Protective Order and Request for Confidential Classification).ltr.doc

DOCUMENT NUMBER - DATE
06360 SEP -2 =
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Authority to Transfer)
the Assets of SERVICE MANAGEMENT)
SYSTEMS, INC., and Certificate Nos.)
517-W and 450-S in Brevard County,)
Florida to AQUARINA UTILITIES, INC.)

DOCKET NO. 110061-WS

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

AQUARINA UTILITIES, INC. (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 the Utility's Response to Staff's Second Deficiency Letter filed in the above-captioned proceeding.

1. Pursuant to 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 that the personal financial statement of Reginald and Lois Burge be classified as proprietary confidential business information under Section 367.156(2), Florida Statutes, and Rule 25-22.06, Florida Administrative Code. The personal financial statement has been provided to Office of Public Counsel pursuant to an Agreement of Confidentiality and Office of Public Counsel has concluded that there is no basis to deny the Utility's transfer application on the basis of financial ability. Based upon that opinion, the Aquarina Community Association, Inc. withdrew its objection to the transfer.

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3. The Personal Financial Statement of Reginald and Lois Burge is currently kept confidential by the Utility and the Burges. It should be classified as proprietary confidential business information because its disclosure would cause harm to the Burges by making their personal financial matters a matter of public record.

4. Moreover, requiring the disclosure of the Burges' Personal Financial Statement violates the Burge's right to privacy under Article I, Section 23 of the Florida Constitution.

5. Should the Commission deny this Motion then the Personal Financial Statement of the Burge's shall be returned to Aquarina Utilities, Inc., and will not be relied upon in this proceeding to support the financial ability of the Utility.

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

(a) The Personal Financial Statement of Reginald and Lois Burge be protected from disclosure to any persons other than Commission Staff;

(b) The number of copies of the Burge's Personal Financial Statement 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 two (2); one for Commission Staff and one for Office of Public Counsel.

(c) Only persons within the Commission Staff and the Office of Public Counsel who are working on this matter may view the Burge's Personal Financial Statement 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 Office of Public Counsel Staff who have the original or any copies

in their possession will return the original response and all copies to AQUARINA UTILITIES, INC. via the undersigned counsel.

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

Respectfully submitted on this 1st day of
September, 2011 by:

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MARTIN S. FRIEDMAN
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For the Firm
Attorney for Applicant


CERTIFICATE OF SERVICE
DOCKET NO. 110061-WS

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 and furnished by U.S. Mail to the following parties this 1st day of September, 2011:

Mr. James I. Minnes
208 Osprey Villas Court
Melbourne Beach, FL 32951

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