

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of
LABRADOR UTILITIES, INC.
for an increase in water and wastewater
rates in Pasco County, Florida

DOCKET NO. 110264-WS

COMMISSION
CLERK

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**LABRADOR UTILITIES, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

LABRADOR UTILITIES, INC. (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 First Data Request, dated October 19, 2011, O & M Expenses, Items No. 1-6.

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 First Data Request dated October 19, 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 First Data Request dated October

COM 19, 2011,) O & M Expenses, Item Nos. 1-6 regarding compensation information, is intended to be
APA _____
ECR _____ and is treated by the utility as private and confidential and has not been disclosed externally and has
GCL _____
RAD _____ been strictly controlled internally.

- _____ check of confidentiality
- _____ no check
- _____ request for confidentiality
- _____ check by OPC

SRC _____
ADM _____
OPC _____
CLK W. Alan

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AT TALLAHASSEE, FLORIDA

DOCUMENT NUMBER - DATE

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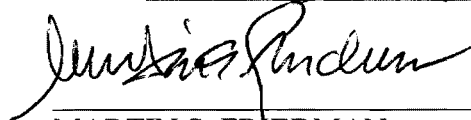
4. A portion of the information consists of employee's name and title, base salary, overtime, raises, taxes, pension information, total compensation and contribution to 401k plans. This information should be classified as proprietary confidential business information because its disclosure would impair 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, LABRADOR UTILITIES, INC. prays for confidential treatment and the entry of the protective order that is consistent with this Motion.

Respectfully submitted on this 17th day of
November, 2011 by:

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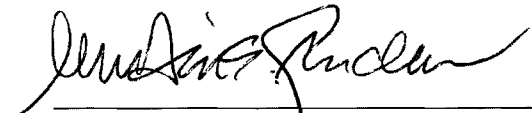
MARTIN S. FRIEDMAN
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 110264-WS

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 17 day of November, 2011:

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

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



MARTIN S. FRIEDMAN
For the Firm

JUSTIFICATION MATRIX

<u>Location</u> (Document name and location of information)	<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><u>Document:</u></p> <p>2011 Rate Cases Salary Adjustment</p> <p><u>Location:</u> pp. 7 – 20 of 128, Columns A – E (except column totals and column headings)</p> <p>pp. 21 – 34 of 128, 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 & 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>