

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into possible overearnings of
MID-COUNTY SERVICES, INC.

Docket No. 120076-SU

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- claim of confidentiality
- notice of intent
- request for confidentiality filed by OPC

MID-COUNTY SERVICES, INC.'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION

For DN 00305-12, which is in locked storage. You must be authorized to view this DN. CLK

MID-COUNTY SERVICES, INC. (the "Utility"), by and through its undersigned counsel, files this Request for Confidential Classification for documents submitted in connection with the Staff's Audit in Audit Control No. 11-230-4-1.

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 auditors in connection with Audit Control No. 11-230-4-1 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").

3. Included with this Request for Confidential Treatment are highlighted and redacted copies of the information for which confidential treatment is sought.

4. If this request is granted, then the subject portions of said response to Audit Control No. 11-230-4-1 will be exempt from Section 119.07(1), Florida Statutes.

The information produced in response to Staff's Audit 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.

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5. The information consists of employee's name and title, base salary, overtime, raises, taxes, pension information and total compensation. It 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, 31 So. 3rd 860 (Fla. 1st DCA 2010).


6. This Confidential Information falls squarely within the definition of "Proprietary confidential business information" pursuant to Section 367.156(3), Florida Statutes.

7. Moreover, 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, MID-COUNTY SERVICES, INC. prays for the entry of the protective order that is consistent with this Motion.

Respectfully submitted on this 12th day
of January, 2012 by:

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