

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in Water Rates in Franklin County by Water Management Services, Inc.

Docket No. 110200-WU

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COMMISSION CLERK

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

**WATER MANAGEMENT SERVICES, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

For DN 0229-12 WATER MANAGEMENT SERVICES, INC. (the "Utility"), by and through its undersigned counsel, files this Request for Confidential Classification in relation to documents

submitted in connection with the Staff's Audit in connection with Audit Control No. 11-319-1-1.

1. Pursuant to 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. 11-319-1-1 be classified as proprietary confidential business information pursuant to 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 to Audit Control No. 11-319-1-1 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 Audit for 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, benefits, overtime, raises, taxes, pension information and total compensation, as well as date of birth and driver's license number. This information should be classified as proprietary confidential business information because its disclosure would impair the Utility's competitive interests, provide

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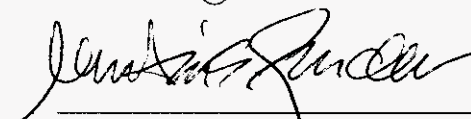
other utility companies information to lure employees away (thereby driving up salaries and rates), and create circumstances under which infighting and employee morale could be negatively affected. See Florida Power & Light Company et al. v. Public Service Commission, 31 So. 3d 860 (Fla. 1st DCA 2010).

5. Requiring the disclosure of each employee's compensation information, and Gene Brown's driver's license and date of birth violates each employee's right to privacy under Article I, Section 23 of the Florida Constitution.

WHEREFORE, WATER MANAGEMENT SERVICES, INC. prays for the entry of an order treating the information identified in this Motion as confidential and exempt from disclosure.

Respectfully submitted on this 11th day of April 2012 by:

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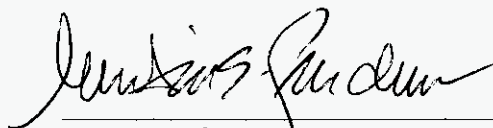
MARTIN S. FRIEDMAN
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 110200-WU

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been sent to the PSC Clerk by FedEx and furnished by U.S. Mail to the following parties this 14th day of April, 2012:

Erik Sayler, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Ralph Jaeger, 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> (Specific request w/page number)	<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>
Workpaper 16-5.1 Gene Brown's Driver's License Number and Date of Birth	<p>§367.156(2)(f), This is employee personal information unrelated to compensation, duties, qualifications or responsibilities, the disclosure of which could subject this employee to the possibility of identity theft.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.</p>
Workpaper 43-3 through 43-3.6 And 43-4 through 43-4.1 (Columns titled "Debit Amt")	<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>, 31 So. 3d 860 (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.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.</p>

Workpaper 43-5 through 43-5.1
(Columns titled 'Debit Amt', 'Credit Amt'
'Balance', 'Audit Adj' and 'Audit Balance' as
they relate to specific employees)

§367.156(3)(d) Disclosure of compensation data,
including pension accruals would impair the ability
of the Utility to contract for employees on
favorable terms.

§367.156(3)(e) Disclosure of the compensation
data would impair the Utility's competitive
interests as described in Florida Power & Light
Company et al. v. Public Service Commission, 31
So. 3d 860 (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.

Article I, Section 23 of the Florida Constitution.
Disclosure of the information would invade the
privacy rights of the employee.