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From: Michele Parks [mparks@sfflaw.com]
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To: Filings@psc.state.fl.us
Cc: Sayler, Erik; Ralph Jaeger
Subject: {BULK} Docket No.: 110200-WU; Application for Increase in Water Rates in Franklin County by Water Management Services, Inc.

Importance: Low

Attachments: Motion for Protective Order.pdf

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- b. Docket No.: 110200-WU; Application for Increase in Water Rates in Franklin County by Water Management Services, Inc.
- c. Water Management Services, Inc.
- d. 3 pages
- e. Motion for Protective Order as to OPC's First Request for Production of Documents

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4/27/2012

DOCUMENT NUMBER 02654

02654 APR 27 09

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Re: Application for increase in water
rates in Franklin County by
Water Management Services, Inc.

Docket No. 110200-WU

WATER MANAGEMENT SERVICES, INC.'S
MOTION FOR TEMPORARY PROTECTIVE ORDER

WATER MANAGEMENT SERVICES, INC. ("Utility" or "WMSI") by and through its undersigned counsel, files this Motion for Temporary Protective Order with regard to documents submitted in connection with OPC'S First Request for Production of Documents (Nos. 1 – 42).

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 all of the salary information in the form of W-2's provided in response to Document Production 32 be classified as proprietary confidential business information under Section 367.156(2), Florida Statutes, and Rule 25-22.06, Florida Administrative Code. The disclosure of salary information has been determined to be proprietary confidential business information. Florida Power & Light Company v. Public Service Commission, 31 So 3d 860 (Fla. 1st DCA 2010).

3. Rule 25-22.006(6)(c), F.A.C., specifically permits a utility to agree to allow OPC to inspect or take possession of information for the limited purpose of determining whether that information will be used in a proceeding, and to seek a temporary protective order to ensure the confidentiality of such material during that process.

4. Pursuant to Rule 25-22.006(6)(c), F.A.C. WMSI agrees to make the requested documents available to OPC for inspection in redacted and unredacted format, and seeks a temporary protective order

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

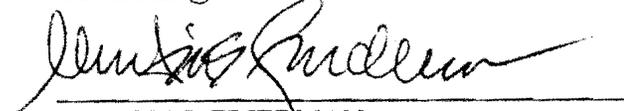
to endure the confidentiality of such material related to that inspection. WMSI will likewise make such documents available to Commission Staff for review upon issuance of the temporary protective order.

5. Rule 25-22.006(6)(c), F.A.C. prohibits OPC's retention of confidential information if OPC determines such information will not be used in a proceeding before the Commission. WMSI requests that the Commission require OPC to promptly notify WMSI if, after inspection, it intends to use WMSI's confidential information at hearing so that WMSI has fair opportunity to move for a full protective order under Rule 25-22.006(6)(a), F.A.C. See Fla. Admin. Code R. 25-22.006(6)(c), ("If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under [Rule 25-22.006(6)](a) above.").

WHEREFORE, WATER MANAGEMENT SERVICES, INC. prays for the entry of a temporary protective order protecting against public disclosure of confidential salary information.

Respectfully submitted this 27th day of April, 2012, by:

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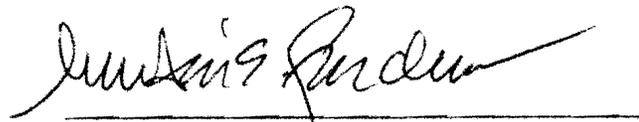
CERTIFICATE OF SERVICE
DOCKET NO. 110200-WU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S.

Mail to the following parties this 27th day of April 2012:

Erik Saylor, Esquire
c/o The Florida Legislature
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