

Eric Fryson

From: Dana Rudolf [drudolf@sflaw.com]
Sent: Thursday, October 25, 2012 3:54 PM
To: Filings@psc.state.fl.us
Cc: Martin Friedman; Martha Barrera; SAYLER.ERIK@leg.state.fl.us
Subject: Docket No. 110200-WU; Application for increase in water rates in Franklin County by Water Management Services, Inc.

Attachments: Motion for Temporary Protective Order.pdf

- a) Martin S. Friedman, Esquire
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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) 4 pages
- e) Motion for Temporary Protective Order

DOCUMENT NUMBER-DATE

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10/25/2012

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

**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 - 16).

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 information provided in response to Production 2, 3, 4, 5, 6, 14, 16, 17, 18, 27, 28, 34 and 35 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 which is directly in 16 and indirectly through other documents has been determined to be proprietary confidential business information. Florida Power & Light Company v. Public

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Service Commission, 31 So 3d 860 (Fla. 1st DCA 2010). The other documents are either corporate documents of a non-public nature or tax returns and financial information which is considered proprietary confidential business information by the Utility.

3. Rule 25-22.006(6)(c), Florida Administrative Code, 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.

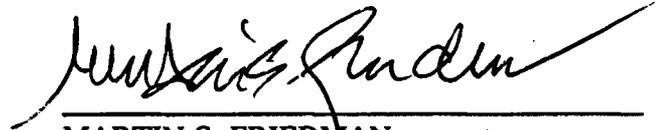
4. Pursuant to Rule 25-22.006(6)(c), WMSI agrees to make the requested documents available to OPC for inspection in redacted and unredacted format, and seeks a temporary protective order to endure the confidentiality of such material related to that inspection. WMSI will likewise make such documents available to Commission Staff for review upon issuance of the temporary protective order.

5. Rule 25-22.006(6)(c) 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). *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 MANAGEEMNT SERVICES, INC. prays for the entry of a temporary protective order protecting against public disclosure of confidential information as set forth in the document requests as set forth above.

Respectfully submitted this 25th day of October, 2012, by:

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A handwritten signature in black ink, appearing to read "Martin S. Friedman", written over a horizontal line.

MARTIN S. FRIEDMAN
Florida Bar No.: 0199060
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Temporary Protective Order has been served upon the following parties by ECF Filing and U.S. Mail this 25th day of October, 2012:

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