

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Ni Florida, LLC's Application for increase
Water and wastewater rates in Pasco and Lee
Counties.

Docket No. 160030-WU

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COMMISSION
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NI FLORIDA, LLC
SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION

Ni Florida, LLC, ("the Utility"), by and through its undersigned counsel, files this Second Request for Confidential Classification in relation to certain documents submitted in connection with the Staff's 3rd Data Request, Question No. 2 in connection with the above-referenced docket.

1. Pursuant to 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 Staff's 3rd Data Request, Question No. 2 be classified as proprietary confidential business information pursuant to Section 367.156(2), Florida Statutes, and Rule 25-22.006, Florida Administrative Code (the "Confidential Information"). If this request is granted, then the subject portions of said documents provided to staff in connection with Staff's 3rd Data Request, Question No. 2 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 attached hereto both in highlighted and redacted format, although only the redacted copy is provided with Certificate of Service.

3. The salary information, produced in response to Staff's 3rd Data Request, Question No. 2, is intended to be and is treated by the Utility and its affiliates as private and confidential and has not been disclosed externally and has been strictly controlled internally.

4. A portion of the information consists of Parent Company employee titles and total compensation. 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*, 31 So.3d 860 (Fla. 1st DCA 2010).

5. Requiring the disclosure of each employee's compensation information violates each employee's right to privacy under Article 1, Section 23 of the Florida Constitution.

WHEREFORE, Ni Florida, LLC requests this Commission enter an Order treating the information identified in this Request as confidential and exempt from disclosure.

Respectfully submitted this 14th day of
September, 2016, by:

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F. Marshall Deterding
Of Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Second Request for Confidential Classification and redacted copy of the document have been furnished by US Mail to the following parties this 14th day of September, 2016.

Office of Public Counsel
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Kyesha Mapp
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



F. Marshall Deterding
Of Counsel

JUSTIFICATION MATRIX

Location (Document name and location of information)	Justification
<p><u>Salaries:</u></p> <p><u>Location:</u> Response to Staff's 3rd Data Request, Question No. 2</p>	<p>§367.156(3)(d) Disclosure of compensation data, tax data, benefits 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 <i>Florida Power & Light Company et al. v. Public Service Commission</i>, 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>

**Ni America Operating, LLC
Annual Salaries of Selected Officers & Managers
For 2015**

Employee Position	Salary
Chief Financial Officer	[REDACTED]
Corporate Controller	[REDACTED]
Manager of Accounting	[REDACTED]
Manager of Operations	[REDACTED]
Manager of Public Relations	[REDACTED]
President of the Utility	[REDACTED]
SVP of Human Resources	[REDACTED]
VP of Capital Improvements (1) - Hired 12/01/15	[REDACTED]
VP of Capital Improvements (2)	[REDACTED]
VP of Financial Due Diligence	[REDACTED]
VP of Operations	[REDACTED]

Note: The compensation for President of the Utility, SVP of Human Resources, and VP of Capital Improvements (2) was excluded in the corporate overhead adjustment.