

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase in water and  
wastewater rates in Charlotte, Highlands,  
Lake, Lee, Marion, Orange, Pasco, Pinellas,  
Polk, and Seminole Counties by Utilities, Inc.  
of Florida

DOCKET NO. 160101-WS

**UTILITIES, INC. OF FLORIDA'S**  
**MOTION FOR TEMPORARY PROTECTIVE ORDER**

UTILITIES, INC. OF FLORIDA (“Utility”), by and through its undersigned counsel, and pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, hereby moves this Commission for a Temporary Protective Order to exempt from Section 119.07(1), Florida Statutes, certain confidential information submitted to the Office of Public Counsel (“OPC”) in response to OPC’s First Request for Production of Documents (“PODs”), Nos. 5, 6, 8, 10, 22, 23, 24 & 34. As grounds therefore, the Utility states:

1. OPC, via its First PODs Nos. 5, 6, 8, 10 has requested that the Utility produce its General Ledger for certain years (No. 5), its Budgets for certain years (Nos. 6, 8 & 10), employee salaries (Nos. 22-24), and proposed acquisitions. The Utility treats this information as strictly confidential.

2. It should be axiomatic that the General Ledger and Budgets are confidential, and UIF treats them so.

3. Further, 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). This Commission has recognized the confidentiality of salary information on numerous occasions. See, for example, Order Nos. PSC-14-0125-CFO-WS and PSC-14-0060-CFO-WS.

4. The disclosure of potential acquisitions would undermine UIF and its related parties' efforts to acquire utility systems, and to do so upon favorable terms. If other utilities became aware of systems UIF and its related parties were look to acquire it would likely bring other suitors.

5. The Confidential Information is proprietary confidential business information. Under Section 367.156, Florida Statutes, and Rule 25-22.006(6), Florida Administrative Code this Commission has the authority to classify certain material requested in discovery as proprietary confidential business information thereby exempting the material from public disclosure under Section 119.07(1), Florida Statutes.

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

7. Pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, the Utility has made the Confidential Information available to OPC for inspection to determine whether the Confidential Information will be used in a proceeding, and will make the Confidential Information available to Staff upon issuance of the Temporary Protective Order. The Utility has previously entered into a Confidentiality Agreement with OPC.

8. Pursuant to Rule 25-22.006(6)(c), F.A.C., OPC must return the Confidential Information to the Utility if the Confidential Information will not be used in a proceeding. If OPC intends to use the Confidential Information in a proceeding, then OPC must notify the Utility so that the Utility may move for a full protective order under Rule 25-22.006(6)(a), F.A.C.

WHEREFORE, UTILITIES, INC. OF FLORIDA requests this Commission enter a Temporary Protective Order against public disclosure of the Confidential Information provided by the Utility in response to OPC's First Request for Production of Documents Nos. 5, 6, 8, 10, 22, 23, 24 & 34.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-mail to the following parties this 9th day of January, 2017:

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Respectfully submitted this 9th day of January,  
2017.

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