

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.'S MOTION FOR PROTECTIVE ORDER WITH REGARD TO
CONFIDENTIAL DOCUMENTS**

UTILITIES, INC. OF FLORIDA (“Utility” or “UIF”) by and through its undersigned counsel, and pursuant to Rule 25-22.006(6), Florida Administrative Code, files this Motion for Protective Order with regard to confidential documents responsive to Office of Public Counsel’s (“OPC”) following discovery (“Discovery Requests”):

- 1st Production of Documents, No. 23
- 1st Production of Documents, No. 24
- 1st Interrogatories, No. 29
- 1st Interrogatories, No. 30

1. UIF has provided to OPC through these Discovery Requests, information regarding compensation policies and actual compensation of employees of Utilities, Inc. The Utility treats employee compensation policy and actual compensation information as strictly confidential. 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). Further, requiring the disclosure of each employee’s compensation information violates

each employee's right to privacy under Article I, Section 23 of the Florida Constitution. This Commission has consistently 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.

2. The Confidential Information is proprietary confidential business information. Under Section 367.156, Florida Statutes, this Commission has the authority to classify certain material as proprietary confidential business information thereby exempting the material from public disclosure under Section 119.07(1), Florida Statutes.

3. UIF will provide the Commission, Staff and OPC with a Justification Matrix along with highlighted and redacted copies.

WHEREFORE, UTILITIES, INC. OF FLORIDA requests this Commission issue Protective Order against public disclosure of the Confidential Information provided by the Utility in response to OPC's Discovery Requests as identified above, and that pursuant to Rule 25-22.006(8), F.A.C., the Commission take reasonable precautions to segregate the Confidential Information in the record and otherwise protect its integrity.

Respectfully submitted this 5th day of April,
2017.

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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 5th day of April, 2017:

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