

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for an 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
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Utilities, Inc. of Florida ("Utility"), by and through its undersigned counsel, and pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, files this Request for Confidential Classification in relation to certain documents responsive to Staff's Fourteenth Set of Interrogatories (No. 283) in connection with the above-referenced Docket that UIF understands the Staff intends to use at the final hearing.

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 employee salary information provided to the Staff in in response to Staff's discovery request in the above-referenced Docket be classified as proprietary confidential business information under Section 367.156(2), Florida Statutes, and Rule 25-22.006, Florida Administrative Code ("Confidential Information"). If this request is granted, then the subject portions of the documents produced 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.

3. Staff in its Fourteenth Set of Interrogatories, No. 283, has requested that the Utility provide annual salary information for the test year. The Utility treats employee salary information as

COM _____
AFD 1(+1 CD)
AFA _____
ECO _____
ENG _____
GCL _____
IDM _____
TEL _____
CLK _____

RECEIVED-FPSC
MAY -4 AM 10:21
COMMISSION
CLERK

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.

WHEREFORE, Utilities, Inc. of Florida requests this Commission enter an order treating the information identified in this Request as confidential and exempt from disclosure.

Respectfully submitted this 3rd day of May, 2017 by:

FRIEDMAN & FRIEDMAN, P.A.
766 N. Sun Drive, Suite 4030
Lake Mary, FL 32746
Telephone: (407) 830-6331
E-Mail: mfriedman@ff-attorneys.com

/s/ Martin S. Friedman
MARTIN S. FRIEDMAN
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 3rdth day of May, 2017, to:

Erik L. Saylor, Esquire
Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
SAYLER.ERIK@leg.state.fl.us

Walter Trierweiler, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0855
trierwe@psc.state.fl.us

Brian P. Armstrong, Esquire
Law Office of Brian Armstrong, PLLC
P.O. Box 5055
Tallahassee, FL 32314-5055
brian@brianarmstronglaw.com

William S. Bilenky, Esquire
Douglas P. Manson, Esquire
Manson, Bolves, Donaldson & Varn
1101 Swann Avenue
Tampa, FL 33606
bbilenky@mansonbolves.com
dmanson@mansonbolves.com
dcantwell@mansonbolves.com

Edward de la Parte, Jr., Esquire
Nick Porter, Esquire
de la Parte & Gilbert P.A.
101 E. Kennedy, Suite 2000
Tampa, FL 33601
edelaparte@dgfirm.com
nporter@dgfirm.com

/s/Martin S. Friedman
MARTIN S. FRIEDMAN
For the Firm

Exhibit "A"
JUSTIFICATION MATRIX

Location (Document name and location of information)	Justification
<p><u>Salaries Tab</u></p> <p>The amounts under columns D and E</p> <p><u>Employees-Operation Tab</u></p> <p>The amounts under column I</p>	<p>§367.156(3)(d) Disclosure of salary 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 <u>Florida Power & Light Company et al. v. Public Service Commission</u>, 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>