

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. 20200139-WS

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**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”), No. 6 , and OPC’s First Interrogatories Nos. 11, 12, 18, 20 & 39. As grounds therefore, the Utility states:

1. OPC, via its POD No. 6, has requested that the Utility provide a copy of all Board of Directors Meeting minutes and board committee minutes as well as presentations to the Boards in 2019 and 2020 to date. The Utility treats this information as strictly confidential. This Confidential Information is kept confidential by the Utility because it involves internal operations. This Commission has previously held that corporate minutes are protected as proprietary business information. PSC Order Nos. PSC-2008-0447-PCO-WS and PSC-2001-0410-CFO-WS.

2. OPC, via its Interrogatory Nos. 11, 12, 18, 20, & 39 has requested certain salary information. Salary information has consistently been held as confidential. 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, PSC-14-0060-CFO-WS and PSC-2017-0154-CFO-WS. Also, the corporate policy regarding employee compensation was developed by UIF's parent, and is proprietary to that company. Further, such information should be considered confidential for the same reasons as actual compensation amounts.

3. 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.

4. 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.

5. 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.

6. 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 prays for a Temporary Protective Order against public disclosure of the Confidential Information provided by the Utility in response to OPC POD No. 6, and Interrogatory Nos. 11, 12, 18, 20 & 39.

Respectfully submitted this 10th day of August,  
2020.

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For the Firm

## 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 10th day of August, 2020:

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