

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and
wastewater rates in Orange County by
Pluris Wedgefield, LLC

Docket No. 20230083-WS

PLURIS WEDGEFIELD, LLC's
MOTION FOR TEMPORARY PROTECTIVE ORDER

Pluris Wedgefield, LLC (“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 (“POD”) No. 1. As grounds therefore, the Utility states:

1. OPC, via its POD No. 1 has requested certain salary information for the Utility’s employees. Salary information has consistently been held as confidential. The Utility treats employee 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.

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. 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.

4. Pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, the Utility will make the Confidential Information available to OPC for inspection to determine whether the Confidential Information will be used in a proceeding. The Confidential Information has already been made available to Staff in response to Staff's First Data Request No. 2b, pursuant to a Request for Confidential Classification filed in the Docket [DN 05942-2023].

5. 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, Pluris Wedgefield, LLC requests this Commission grant a Temporary Protective Order against public disclosure of the Confidential Information provided by the Utility to OPC in response to OPC POD No. 1.

Respectfully submitted this 29th day of November, 2023.

Dean Mead Law Firm
420 S. Orange Ave., Suite 700
Orlando, FL 32801
Telephone: (407) 310-2077
mfriedman@deanmead.com
/s/ Martin S. Friedman

Martin S. Friedman, Esquire

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 29th day of November, 2023:

Walt Trierweiler, Esquire
Octavio Simoes-Ponce, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
trierweiler.walt@leg.state.fl.us
ponce.octavio@leg.state.fl.us

Jennifer Crawford, Esquire
Austin Watrous, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
jcrawfor@psc.state.fl.us
awatrous@psc.state.fl.us

/s/ Martin S. Friedman
Martin S. Friedman