

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 Sunshine Water  
Services Company

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DOCKET NO. 20240068-WS

**SUNSHINE WATER SERVICES COMPANY’S MOTION FOR PROTECTIVE ORDER**

Sunshine Water Services Company (“Utility”) by and through its undersigned counsel, and pursuant to Rules 25-22.006 (6), Florida Administrative Code, files this Motion for Protective Order with regard to documents responsive to Numbers 116-118 of Staff’s Ninth Set of Interrogatories, and Number 24 of Staff’s Seventh Request for Production of Documents (“Confidential Information”).

1. Pursuant to Section 367.156, Florida Statutes, this Commission has reasonable access to records of a utility’s parent company and concurrently 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. The response to the Staff discovery requires the disclosure of certain salary information of a related party and corporate parent<sup>1</sup>. 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

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<sup>1</sup> Numbers 116-118 of Staff’s Ninth Set of Interrogatories, and Number 24 of Staff’s Seventh Request for Production of Documents

Constitution. This Commission has consistently recognized the confidentiality of salary information on numerous occasions. See, for example, Order Nos. PSC-2014-0125-CFO-WS, PSC-2014-0060-CFO-WS, PSC-2017-0154-CFO-WS, and PSC-2021-0308-CFO-WS. Also, the corporate policy regarding employee compensation was developed by the Utility's parent and is proprietary to that company. Further, such information should be considered confidential for the same reasons as actual compensation amounts. The documents produced in response to Staff's Request for Production of Documents #24 involves the application of the CAM for which the Company has previously sought confidential classification.

2. Rule 25-22.006(6)(a), Florida Administrative Code, permits a utility to request a Protective Order protecting proprietary confidential information from discovery.

3. Pursuant to Rule 25-22.006(6)(b), Florida Administrative Code, the Confidential Information is exempt from Section 119.07(1), Florida Statutes, pending the Commissions' ruling on this Motion. The Utility has entered into a Confidentiality Agreement with OPC, allowing the Utility to provide the Confidential Documents to OPC.

4. If any of the Confidential Information is intended to be used at hearing by any party, then its disclosure must be strictly limited.

5. Upon a finding by the Commission that the information is proprietary and confidential business information, the information should not be declassified for at least 18 months and should be returned to the undersigned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, Sunshine Water Services Company requests the Commission enter a Protective Order against public disclosure of the Confidential Information provided by the Utility in response to Numbers 116-118 of Staff's Ninth Set of Interrogatories, and Number 24 of Staff's Seventh Request for Production of Documents

Respectfully submitted this 25th day of November, 2024.

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A handwritten signature in blue ink, appearing to read "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

Electronic mail to the following parties this 21<sup>st</sup> day of November, 2024:

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*/s/ Martin S. Friedman*  
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