

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and)
wastewater rates in Alachua, Brevard,)
DeSoto, Highlands, Lake, Lee, Marion,)
Orange, Palm Beach, Pasco, Polk, Putnam,)
Seminole, Sumter, Volusia, and Washington)
Counties by Aqua Utilities Florida, Inc.)

DOCKET NO. 080121-WS

FILED: June 30, 2008

**AQUA UTILITIES FLORIDA, INC.'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Pursuant to section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Aqua Utilities Florida, Inc. ("AUF"), hereby moves the Commission, through the Prehearing Officer, for a temporary protective order to exempt from section 119.07(1), Florida Statutes, certain confidential information in AUF's responses to the Office of Public Counsel's ("OPC's") Second Request for Production of Documents ("RPODs") Nos. 69, 70, and 107. As grounds for its request, AUF states:

1. OPC has requested that it be permitted to inspect and potentially take possession of certain of AUF's confidential, proprietary business information that is responsive to OPC's Second RPODs Nos. 69, 70, and 107.

2. With respect to OPC's Second RPODs Nos. 69 and 70, the confidential information includes: contractual data the disclosure of which would impair the efforts of AUF and its affiliates to contract for goods and services on favorable terms; information relating to AUF's competitive interests which if disclosed would impair the company's competitive position; and, employee personnel information unrelated to compensation, duties, qualifications and responsibilities. This information is exempt from Florida's Public Records Act pursuant to section 367.156(3)(d), (e), and (f), Florida Statutes.

DOCUMENT NUMBER-DATE

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3. With respect to documents responsive to OPC's Second RPODs No. 107, the confidential information includes strategic business plans, programs, and activities the disclosure of which would impair AUF's competitive business position. This information is exempt from Florida's Public Records Act pursuant to section 367.156(3)(e), Florida Statutes.

4. Rule 25-22.006(6)(c) specifically permits a utility to agree to allow OPC to inspect or take possession of information for the limited purpose of determining whether that information will be used in a proceeding, and to seek a temporary protective order to ensure the confidentiality of such material during that process.

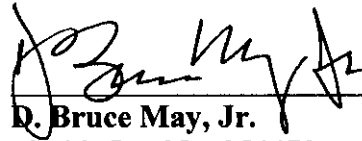
5. Pursuant to Rule 25-22.006(6)(c), AUF agrees to make the requested documents available to OPC for inspection at the undersigned's offices in Tallahassee, Florida, and seeks a temporary protective order to ensure the confidentiality of such material related to that inspection. AUF will also make such documents available to Commission Staff for review upon issuance of the temporary protective order.

6. Rule 25-22.006(6)(c) prohibits OPC's retention of confidential information if OPC determines such information will not be used in a proceeding before the Commission. AUF requests that the Commission require OPC to promptly notify AUF if, after inspection, it intends to use AUF's confidential information at hearing so that AUF has fair opportunity to move for a full protective order under Rule 25-22.006(6)(a). *See Fla. Admin. Code R. 25-22.006(6)(c)* ("If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under [Rule 25-22.006(6)](a) above.").

7. AUF has been authorized by counsel for OPC to represent that OPC does not object to the granting of this Motion.

WHEREFORE, AUF respectfully requests that the Commission enter a temporary protective order protecting against public disclosure the confidential information provided by AUF in response to OPC's Second RPODs Nos. 69, 70 and 107.

Respectfully submitted this 30th day of June, 2008 by:



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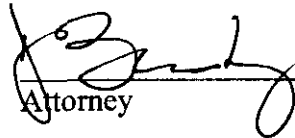
Counsel for Aqua Utilities Florida, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished by hand delivery on June 30, 2008 to the following:

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