

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION
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In re: Application of
UTILITIES, INC. OF FLORIDA
for an increase in water and wastewater
rates in Marion, Orange, Pasco, Pinellas,
and Seminole Counties, Florida

DOCKET NO. 090462-WS

**UTILITIES, INC. OF FLORIDA'S MOTION FOR PROTECTIVE ORDER
AND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

UTILITIES, INC. OF FLORIDA ("UIF" or the "Utility"), by and through its undersigned counsel, and pursuant to Rule 25-22.006, F.A.C., files this Motion for Protective Order and Request for Confidential Classification in relation to documents submitted in connection with the Staff's First Data Request dated May 12, 2010 in this Docket.

1. Pursuant to Section 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 the following:

(a) Certain noted salary information provided in response to Staff's First Data Request, dated May 12, 2010, be designated as confidential be classified as proprietary confidential business information under Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code; and

(b) if this request is granted, then all of the said salary data provided to Staff in

COM _____ connection with the responses to Staff's First Data Request will be exempt from Section 119.07(1),
APA _____ Florida Statutes.

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3. The information produced in response to Staff's First Data Request for compensation information is currently kept confidential by the Utility and consists of employee's name and title,

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base salary, overtime, raises, and total compensation. It 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, 35 Fla. L. Weekly D516 (Fla. 1st DCA 2010).

4. Moreover, 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, as does such disclosure of customer's personal information.

5. Pursuant to Rule 25-22.006(4)(a), F.A.C., attached hereto is one copy of the confidential information, highlighted, and another copy with the confidential information redacted. Pursuant to Rule 25-22.006(4)(b), F.A.C., attached are electronic copies of confidential information with one copy redacting the confidential information.

6. The Utility requests that the protective order specifically provide that:

(a) Copies of the response to said Staff's First Data Request, and any other documents, such as internal memoranda and notes that may be created, that contain any of the information covered by the protective order, be protected from disclosure to any persons other than those specified in the protective order;

(b) The number of copies of the responses to Staff's First Data Request and any other documents, internal memoranda and notes that may be created, that contain any of the information covered by the protective order be limited to five (5);

(c) Only persons within the Commission Staff and the Office of Public Counsel who are working on this matter may view the response to Staff's Audit Requests and any other

documents, internal memoranda and notes that may be created, that contain any of the information covered by the protective order; and

(d) Once the protected materials are no longer needed to proceed on this matter, the Commission and Office of Public Counsel Staff who have the original or any copies in their possession will return the original response and all copies to UIF via the undersigned counsel.

WHEREFORE, UIF prays for the entry of the protective order that is consistent with this Motion.

Respectfully submitted on this 14th day of June, 2010 by:

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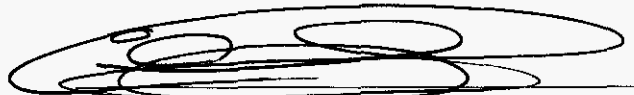
CHRISTIAN W. MARCELLI
Florida Bar No.: 64946
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 090462-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Protective Order and Request for Confidential Classification has been furnished by U.S. Mail to the following parties this 14th day of June 2010:

Stephen Reilly, Deputy Public Counsel
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C/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Keino Young, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



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State of Florida



Public Service Commission

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Re: Acknowledgement of Confidential Filing in Docket No. 090462-WS

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on June 14, 2010, in the above-referenced docket.

Document Number 04902-10 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.