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Please Respond to the Lake Mary Office

May 9, 2011

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RECEIVED-FPSC
11 MAY -9 AM 10:45
COMMISSION CLERK
ROBERT M. ROSE, (352) 244-2006

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket No. 100426-WS; Application for increase in water and wastewater rates in
Lake County by Lake Utility Services, Inc.
Our File No.: 30057.194

Dear Ms. Cole:

Enclosed for inclusion in the above-referenced docket is a Request for Confidential
Treatment along with documents filed under an intent to request confidential classification.
Envelope "A" contains two (2) copies of the documents with the confidential data
highlighted. Envelope "B" contains an two copies of the redacted documents.

Should you or the Staff have any questions regarding this filing, please do not
hesitate to give me a call.

claim of confidentiality
notice of intent
[X] request for confidentiality
filed by OPC
Very truly yours,
CHRISTIAN W. MARCELLI
For the Firm
For DN 03191-11, which
is in locked storage. You must be
authorized to view this DN.-CLK

CWM/der
Enclosures

- cc: Steven M. Lubertozzi, Executive Dir. of Regulatory Accounting & Affairs (w/enclosures) (via e-mail)
John Stover, Vice President and Secretary (w/enclosures) (via e-mail)
Kirsten Weeks, Manager of Regulatory Accounting (w/enclosures) (via e-mail)
Rick Durham, Regional Vice President (w/enclosures) (via e-mail)
Patrick C. Flynn, Regional Director (w/enclosures) (via e-mail)
John Williams, Director of Governmental Affairs (w/enclosures) (via e-mail)
Frank Seidman (w/enclosures) (via e-mail)
Deborah Swain (w/enclosures) (via e-mail)
Dale Buys, Division of Economic Regulation (w/enclosures) (via e-mail)
Steve Reilly, Esquire, Office of Public Counsel (w/enclosures) (via e-mail)

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DOCUMENT NUMBER - DATE
03190 MAY -9 =
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of  
LAKE UTILITY SERVICES, INC.  
for an increase in water and wastewater  
rates in Lake County, Florida

DOCKET NO.: 100426-WS

**LAKE UTILITY SERVICES, INC.'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

LAKE UTILITY SERVICES, INC. (the "Utility"), by and through its undersigned counsel, files this Request for Confidential Classification in relation to documents submitted with the Utility's response to Staff's Third Data Request, filed on May 9, 2011 and its response to Audit Control No. 11-004-4-2.<sup>1</sup>

1. Under 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 that certain information provided to Staff in connection with its response to Staff's Third Data Request and its response to Audit Control No. 11-004-4-2 be classified as proprietary confidential business information under Section 367.156(2), Florida Statutes, and Rule 25-22.06, Florida Administrative Code (the "Confidential Information"). If this request is granted, then the subject portions of said response to Staff's Third Data Request and its response to Audit Control No. 11-004-4-2 will be exempt from Section 119.07(1), Florida Statutes. Attached hereto as Exhibit "A" is a Justification Matrix providing a justification for the Utility's request. The information is enclosed herein both in highlighted and redacted format.

3. The information produced in response to Staff's Third Data Request and its response

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OPC \_\_\_\_\_  
CLK   1  

to Audit Control No. 11-004-4-2 regarding compensation information is intended to be and is

<sup>1</sup> These documents were filed in response to Item No. 2 of Staff's Third Data Request. However, since Item No. 2 in Staff's Third Data Request refers to Audit Control No. 11-004-4-2, and the documents are a supplement to the Utility's response to Audit Control No. 11-004-4-2, this Request for Confidential Treatment refers to the confidential information as a response to both Staff's Third Data Request and Audit Control No. 11-004-4-2.

DOCUMENT NUMBER - DATE

03190 MAY-9 =

FPSC-COMMISSION CLERK

treated by the utility as private and confidential and has not been disclosed externally and has been strictly controlled internally.

4. A portion of the information consists of employee's name and title, base salary, overtime, raises, taxes, pension information, total compensation and contribution to 401k plans. 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, 35 Fla. L. Weekly d516 (Fla. 1st DCA 2010).

5. 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.

WHEREFORE, LAKE UTILITY SERVICES, INC. prays for confidential treatment and the entry of the protective order that is consistent with this Motion.

Respectfully submitted on this 9th day of May, 2011 by:

ROSE, SUNDSTROM & BENTLEY, LLP  
766 North Sun Drive, Suite 4030  
Lake Mary, FL 32746  
Telephone: (407) 830-6331  
Facsimile: (407) 830 8255  
Email: [cmarcelli@rsbattorneys.com](mailto:cmarcelli@rsbattorneys.com)



CHRISTIAN MARCELLI  
For the Firm

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 100426-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been hand delivered to the PSC Clerk and furnished by U.S. Mail to the following parties this 9th day of May, 2011:

Stephen Reilly, Esquire  
Office of Public Counsel  
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

  
CHRISTIAN MARCELLI  
For the Firm

JUSTIFICATION MATRIX

<p><u>Location</u> (Document name and location of information)</p>	<p><u>Justification</u> <i>Please note: All information for which the Utility requests confidential treatment has been kept confidential by the Utility, and intends to keep such information confidential.</i></p>
<p><b><u>Document:</u></b> 2010 LUSI Salary Adjustment – updated 4-28-11</p> <p><b><u>Location:</u></b> Pages 1 – 6; Columns A – E (except column totals and column headings)  Pages 7-12; Columns F – J (except column totals and column headings)</p> <p><b><u>Document:</u></b> Participant Report for 401k</p> <p><b><u>Location:</u></b> Pages 1 – 4; Column I</p>	<p>§367.156(3)(d) Disclosure of compensation data, overtime data and salary increase data would impair the ability of the Utility to contract for employees on favorable terms.</p> <p>§367.156(3)(e) Disclosure of the compensation data would impair the Utility’s competitive interests as described in <u>Florida Power &amp; Light Company et al. v. Public Service Commission</u>, 35 Fla. L. Weekly d516 (Fla. 1st DCA 2010). The Utility keeps this information strictly confidential to prevent other utilities from stealing their employees and to prevent lowered morale and infighting among employees who have the same position but varying wages. Disclosure of the percentage contributed to 401k plans would impair the Utility’s competitive interests in a similar manner, giving competitors a tool to lure away employees and causing internal strife by exposing the employee’s private financial affairs.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.</p>