

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

claim of confidentiality
notice of intent
 request for confidentiality
filed by OPC

In re: Application of
UTILITIES INC. OF PENNBROOKE
for an increase in water and wastewater
rates in Lake County, Florida

Docket No. 120037-WS

For DN 03802-12, which
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UTILITIES INC. OF PENNBROOKE'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

UTILITIES INC. OF PENNBROOKE (the "Utility"), by and through its undersigned counsel, files this Request for Confidential Classification in relation to documents submitted in connection with the Utility's responses to Staff's First Data Request dated May 9, 2012:

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 the Staff in connection with the Utility's responses to Staff's First Data Request dated May 9, 2012 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 the Utility's responses to Staff's First Data Request dated May 9, 2012 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 First Data Request dated May 9, 2012

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_____ for compensation information is intended to be and is treated by the Utility as private and confidential
_____ and has not been disclosed externally and has been strictly controlled internally.

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4. A portion of the information consists of employee's name and title, base salary, benefits, overtime, raises, taxes, pension information and total compensation. 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).

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, UTILITIES INC. OF PENNBROOKE prays for the entry of an order treating the information identified in this Motion as confidential and exempt from disclosure.

Respectfully submitted this 8th day of June,
2012, by:

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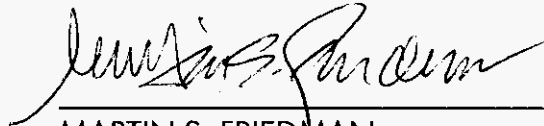


MARTIN S. FRIEDMAN
Florida Bar No.: 0199060
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 120037-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been sent to the PSC Clerk by FedEx and furnished by U.S. Mail to the following parties this 8th day of June, 2012:

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



MARTIN S. FRIEDMAN
For the Firm

JUSTIFICATION MATRIX

<u>Location</u> (Specific request w/page number)	<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>
2012 Pennbrooke Salary Adjustment.xlsx <u>Tab Employee Detail:</u> Columns (a) through (i) <u>Tab Cap Time:</u> Columns (b) and (c)	<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 & Light Company et al. v. Public Service Commission</u>, 31 So. 3d 860 (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.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.</p>
UI of Pennbrooke Rate Case Expense Update 5.31.12.xlsx <u>Tab B-10:</u> Lines 20-36, Columns 3, and 5 through 12 <u>Tab Captime Report:</u> Lines 70-174, Columns H, J and O <u>Tab Pivot of Captime:</u> Columns B and C <u>Tab Rate Case Detail:</u> Columns I and K, except Lines 4,5, 174,175 and 177	<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 & Light Company et al. v. Public Service Commission</u>, 31 So. 3d 860 (Fla. 1st DCA 2010). The Utility</p>

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Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.