

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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. 120209-WS

**UTILITIES, INC. OF FLORIDA'S AMENDED
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Utilities, Inc. of Florida (the "Utility"), by and through its undersigned counsel, files this Amended Request for Confidential Classification in relation to documents submitted in connection with the Utility's responses to Staff's Audit in connection with Audit Control No. 12-254-4-1. The Utility's earlier filed Request for Confidential Classification [Doc. 04531-13] included the 2011/2012 Financial Statements instead of the 2010/2011 Financial Statements, to which this Request is directed.

1. Pursuant to 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 auditors in connection with Audit Control No. 12-254-4-1 be classified as proprietary confidential business information under Section 367.156(2), Florida Statutes, and Rule 25-22.006, Florida Administrative Code (the "Confidential Information"). If this request is granted, then the

subject portions of said response to Audit Control No. 12-254-4-1 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 attached hereto both in highlighted and redacted format on CDs.

COM
AFD
APA
ECO
ENG
GCL
IDM
TEL
CLK

RECEIVED-FPSC
13AUG 14 AM 9:43
COMMISSION
CLERK

3. The information produced in response to Staff's Audit for compensation information and the Consolidated Financial Statement of its parent, Utilities, Inc. are intended to be and are 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, 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 Florida prays for the entry of an order treating the information identified in this Motion as confidential and exempt from disclosure.

Respectfully submitted this 13th day of August, 2013, by:

SUNDSTROM, FRIEDMAN & FUMERO, LLP
766 N. Sun Drive, Suite 4030
Lake Mary, FL 32746
Telephone: (407) 830-6331
E-Mail: mfriedman@sfflaw.com



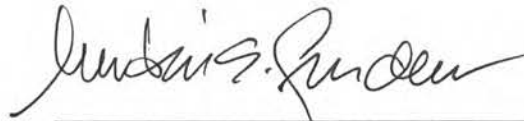
MARTIN S. FRIEDMAN
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 120209-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been furnished by U.S. Mail to the following parties this 13th day of August 2013:

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

Michael Lawson, 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

Location (Document name and location of information)	Justification
<p><u>Salaries:</u></p> <p><u>Workpaper 44-1</u> All of columns A through O with the exception of the final totals at the end of the respective columns</p>	<p>§367.156(3)(d) Disclosure of compensation data, tax data, benefits 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>, 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.</p> <p>Article I, Section 23 of the Florida Constitution. Disclosure of the information would invade the privacy rights of the employee.</p>
<p><u>Consolidated Financial Statements:</u> <u>Workpaper 9</u></p> <p><u>Location:</u> Pages 2 – 3 & 5, The amounts under columns headings 2010 and 2011 Page 4, The amounts under columns headings Paid-in Capital, Retained Earnings & Total Page 6, Note 2, the text and the table Page 9, Note 3, 1st paragraph under Income Taxes Page 10-11, Note 4, all text Pages 10 & 11, Note 4, 1st, 3rd & 4th paragraphs Pages 11 & 12, Notes 5, 6, 7 & 8, The amounts under columns headings 2010 and 2011 Page 12-13, Note 9 Page 13, Notes 10 & 11 Pages 14 & 15, Note 14, The amounts under columns headings 2010 and 2011, and the last paragraph Page 16, Note 15, the last sentence of the first paragraph, and the amounts in the table Pages 18 & 19, Note 17, all text and the table Page 19, Note 18, the text in the middle two paragraphs.</p>	<p>§367.156(3)(a),(b),(d) & (e): Disclosure of the financial statements of Utilities Inc., which is not a public company and is not subject to public disclosure of its financial statements would impair Utilities, Inc.'s competitive interests, could be used to discern trade secrets, or harm its ability to contract for goods and services on a favorable basis. Utilities, Inc. keeps this information strictly confidential also to prevent competitors and prospective counterparties from information which could be used in future negotiations to the disadvantage of Utilities, Inc. and its affiliates.</p>