

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of
CYPRESS LAKES UTILITIES, INC.
for an increase in water and wastewater
rates in Polk County, Florida

DOCKET NO. 130212-WS

CYPRESS LAKES UTILITIES, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

CYPRESS LAKES UTILITIES, 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 served on February 18, 2014 to #2 a) and h) of Staff's Second Data Request.

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 that certain information provided to Staff in connection with its response to Staff's Second Data Request #2 a) and h) 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 Second Data Request 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 Second Request regarding 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.

4. A portion of the information consists of employees' names and compensation. This information should be classified as proprietary confidential business information because its

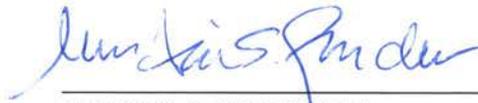
disclosure would impair the Utility's competitive interests, provide other utility companies information to lure employees away (thereby driving up salaries and rates), and create circumstances under which infighting and employee morale could be negatively affected. See Florida Power & Light Company 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, CYPRESS LAKES UTILITIES, INC. requests confidential treatment of the referenced documents and the entry of the protective order that is consistent with this Motion.

Respectfully submitted this 18th day of February, 2014, by:

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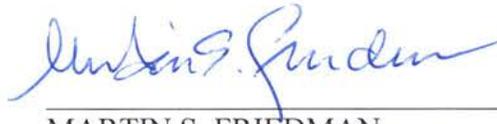


MARTIN S. FRIEDMAN
Florida Bar No.: 0199060
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 130212-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been sent by overnight courier service to the PSC Clerk and furnished by U.S. Mail to the following parties this 18th day of February, 2013:

Erik Sayler, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400



MARTIN S. FRIEDMAN
For the Firm

JUSTIFICATION MATRIX

<u>Location</u> (Document name and location of information)	<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><u>Document:</u></p> <p>Employees' Compensation</p> <p><u>Location:</u> File titled "Salaries for 2013 Rate cases etc." <u>Pages 1 through 6</u>, columns with headings 2008, 2009, 2010, 2011 & 2012. <u>Pages 8 through 10</u>, columns with headings "Net Salary" and "WSC Allocated Captive/Salary" <u>Pages 11 through 25</u>, all columns with headings showing salary, taxes and/or benefits information <u>Pages 33 through 110</u>, all amounts in columns with headings "Dec-11", "Dec-12" & Apr.-13".</p> <p>File titled "Exhibit 2.2(h) etc" Tab titled "earnings", columns titled "TOTAL EARNINGS" and "\$/HR"</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 & 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. 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>