

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase in water and
wastewater rates in Charlotte, Highlands,
Lake, Lee, Marion, Orange, Pasco, Pinellas,
Polk, and Seminole Counties by Utilities, Inc.
of Florida

DOCKET NO. 160101-WS

UTILITIES, INC. OF FLORIDA'S
MOTION FOR TEMPORARY PROTECTIVE ORDER

UTILITIES, INC. OF FLORIDA (“Utility”), by and through its undersigned counsel, and pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, hereby moves this Commission for a Temporary Protective Order to exempt from Section 119.07(1), Florida Statutes, certain confidential information submitted to the Office of Public Counsel (“OPC”) in response to OPC’s Third Request for Production of Documents (“PODs”), No. 6 . As grounds therefore, the Utility states:

1. OPC, via its Third PODs No. 6, has requested that the Utility produce loan documents and work papers regarding the Utility’s short-term debt. The Utility treats this information as strictly confidential. This Confidential Information is kept confidential by the Utility because public disclosure would impair the Utility’s ability to obtain future financing at the lowest possible rate.

2. The Confidential Information is proprietary confidential business information. Under Section 367.156, Florida Statutes, this Commission has the authority to classify certain material as proprietary confidential business information thereby exempting the material from public disclosure under Section 119.07(1), Florida Statutes.

3. Rule 25-22.006(6)(c), Florida Administrative Code, permits a utility to agree to allow OPC to inspect or take possession of confidential information for the limited purpose of determining whether such information will be used in a proceeding, and to seek a temporary protective order to ensure the confidentiality of such information during that process.

4. Pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, the Utility has made the Confidential Information available to OPC for inspection to determine whether the Confidential Information will be used in a proceeding, and will make the Confidential Information available to Staff upon issuance of the Temporary Protective Order. The Utility has previously entered into a Confidentiality Agreement with OPC.

5. Pursuant to Rule 25-22.006(6)(c), F.A.C., OPC must return the Confidential Information to the Utility if the Confidential Information will not be used in a proceeding. If OPC intends to use the Confidential Information in a proceeding, then OPC must notify the Utility so that the Utility may move for a full protective order under Rule 25-22.006(6)(a), F.A.C.

WHEREFORE, UTILITIES, INC. OF FLORIDA prays for a Temporary Protective Order against public disclosure of the Confidential Information provided by the Utility ion response to OPC Third POD No. 6.

Respectfully submitted this 5th day of January,
2017.

COENSON FRIEDMAN, P.A.
766 North Sun Drive, Suite 4030
Lake Mary, FL 32746
Telephone: (407) 322-8000
Fax: (407) 878-2178
mfriedman@coensonfriedman.com

/s/ Martin S. Friedman
Martin S. Friedman, Esquire
For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by

E-mail to the following parties this 5th day of January, 2017:

Erik L. Sayler, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
sayler.erik@leg.state.fl.us

Walter Trierweiler, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
wtrierwe@psc.state.fl.us

/s/ Martin S. Friedman
Martin S. Friedman