

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

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UTILITIES INC.'S MOTION FOR PROTECTIVE ORDER

UTILITIES, INC. OF FLORIDA (“Utility” or “UIF”) by and through its undersigned counsel, and pursuant to Rule 25-22.006(6), Florida Administrative Code, files this Motion for Protective Order with regard to documents responsive to Staff’s Seventh Set of Interrogatories (No. 172).

1. Staff in its Seventh Set of Interrogatories, No. 172, has requested that the Utility provide the hourly rate for certain employees of UI who performed assistance in this rate case. The Utility treats employee salary information as strictly confidential. 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). Further, 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.

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)(a), Florida Administrative Code, permits a utility to request a Protective Order protecting proprietary confidential information from discovery. The Utility has previously entered into a confidentiality agreement with OPC.

4. Pursuant to Rule 25-22.006(6)(b), Florida Administrative Code, the Confidential Information is exempt from Section 119.07(1), Florida Statutes, pending the Commissions' ruling on this Motion.

WHEREFORE, UTILITIES, INC. OF FLORIDA prays for a Protective Order against public disclosure of the Confidential Information provided by the Utility in response to PSC Seventh Set of Interrogatories, No. 172.

Respectfully submitted this 20th day of February,
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 20th day of February, 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