

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of  
UTILITIES, INC. OF EAGLE RIDGE  
for an increase in wastewater  
rates in Lee County, Florida

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

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**UTILITIES, INC. OF EAGLE RIDGE'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

UTILITIES, INC. OF EAGLE RIDGE (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 Audit in connection with Audit Control No. 11-192-4-2.

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 Staff auditors in connection with Audit Control No. 11-192-4-2 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 Audit Control No. 11-192-4-2 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 Audit 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.

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

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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.

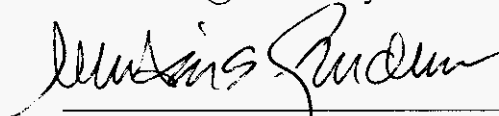
6. Additionally, the information consists of confidential audited financial reports and Audit Staff's notes regarding these reports. This information falls squarely within the definition of "Proprietary Business Information" pursuant to Section 367.156(3)(b), Florida Statutes and/or Section 367.156(3)(c), Florida Statutes.

7. Finally, the information consists of loan and debt information that falls squarely within the definition of "Proprietary Business Information" pursuant to Section 367.156(3)(d), Florida Statutes and/or Section 367.156(3)(e), Florida Statutes.

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

Respectfully submitted on this 16<sup>th</sup> day of  
December, 2011 by:

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MARTIN S. FRIEDMAN  
For the Firm

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 110153-SU**

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 16<sup>th</sup> day of December 2011:

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

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



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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>
Workpaper 31-3 (All of amounts in the columns on pp. 4-7) (All of pp. 8-21)	§367.156(3)(a), §367.156(3)(b), §367.156(3)(d), §367.156(3)(e) These are the Utility's audited Consolidated Financial Statements prepared by its internal auditors, and constitute a report of the internal auditor and present the scope of the audit and origin of the auditors. These highly sensitive documents also contain confidential information that could be used to discern trade secrets, damage competitive interests, or harm the company's ability to contract for goods and services on favorable terms.
Workpaper 44-1 (The columns of salary information of pp. 1-9)	<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 &amp; 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>

<p>Workpaper 44-1/1-1 (The columns of salary information of pp. 1-7)</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 &amp; 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>
<p>Workpaper 44-1/4-1/1 (Benefits amounts on pp. 1-3)</p>	<p>§367.156(3)(d) These documents are Audit Staff's workpapers and notes detailing confidential compensation information. Disclosure of such 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 &amp; 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>

WP NO.	DESCRIPTION	NO. OF PAGES
31-3	Financial Statements	21
44-1/1	Payroll	9
44-1/1-1	Payroll	7
44-1/4-1/1	Benefits	3