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October 20, 2009

VIA HAND-DELIVERY

Ms. Ann Cole, Director
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, FL 32399-0850

Re: *In Re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc., Docket No. 080121-WS*

Dear Ms. Cole :

Pursuant to Rule 25-22.006(4), Florida Administrative Code, enclosed for filing on behalf of Aqua Utilities Florida, Inc. ("AUF") are the original and fifteen (15) copies of AUF's Fifth Request for Confidential Classification of Customer-Specific Information Required by Quality of Service Monitoring Plan (the "Fifth Request"). Separate, sealed envelopes marked "Confidential" contain the following:

1. Exhibit B to the Fifth Request. **This envelope contains one (1) copy of Exhibit B, which is comprised of a report of all customer inquiries (including complaints) for the month of September, 2009 with the confidential information subject to the request highlighted in transparent ink.** Exhibit A to the Fifth Request contains the original and fifteen (15) copies of the confidential exhibit with the confidential provisions blocked out.

2. Exhibit C to the Fifth Request. **This envelope contains one (1) copy of Exhibit C, which is comprised of the monthly report of customer inquiries for the month of September, 2009. Because the information in Exhibit C is stored in electronic format, it is not possible to redact the confidential information contained therein. Therefore, as**

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provided in Florida Administrative Code Rule 25-22.006(4), the disk is unedited and should be treated as confidential in its entirety.

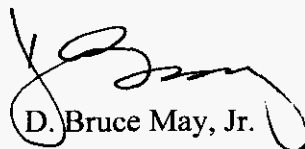
3. Exhibit D to the Fifth Request. **This envelope contains one (1) set of twenty-one (21) disks of Exhibit D, which is comprised of sound recordings of customer inquiries for the month of September, 2009. Because the sound recordings are stored in electronic format, it is not possible to redact the confidential information contained therein. Therefore, as provided in Florida Administrative Code Rule 25-22.006(4), the disks are unedited and should be treated as confidential in their entirety.**

3. Exhibit F to the Fifth Request. **This envelope contains one (1) copy of Exhibit F, which is comprised of monthly meter reading logs for the month of September 2009, with the confidential information subject to the request highlighted in transparent ink.** Exhibit E to the Fifth Request contains the original and fifteen (15) copies of the confidential exhibit with the confidential provisions blocked out.

For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP



D. Bruce May, Jr.

DBM:kjg

Enclosures

cc: Ralph Jaeger, Esq.
Katherine Fleming, Esq.
Caroline Klancke, Esq.
Erik Sayler, Esq.
Charles Beck, Esq.
Cecilia Bradley, Esq.
Kimberly A. Joyce, Esq.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water and)
wastewater rates in Alachua, Brevard,)
DeSoto, Highlands, Lake, Lee, Marion,)
Orange, Palm Beach, Pasco, Polk, Putnam,)
Seminole, Sumter, Volusia, and Washington)
Counties by Aqua Utilities Florida, Inc.)

DOCKET NO. 080121-WS

FILED: October 20, 2009

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**AQUA UTILITIES FLORIDA, INC.'S
FIFTH REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
CUSTOMER-SPECIFIC INFORMATION REQUIRED BY
QUALITY OF SERVICE MONITORING PLAN**

Aqua Utilities Florida, Inc. ("AUF"), pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006(4), Florida Administrative Code, requests confidential classification of customer-specific information to be supplied by AUF to the Commission in accordance with the quality of service monitoring plan in Order No. PSC-09-0385-FOF-WS (the "Order"). In support of its request, AUF states:

1. The Order requires AUF to submit to the Commission (i) a monthly report listing all customer complaints for the first six (6) months after the Order is issued and (ii) sound recordings of customer complaints for the month for the first six (6) months after the Order is issued. Order at 22. The Order also requires AUF to submit to staff meter reading route schedules for the six (6) months after the Order is issued and meter reading logs for the same six (6) month period. *Id.* The monthly customer complaints reports, the monthly sound recordings, and the meter reading logs all contain proprietary customer-specific information, the disclosure of which would harm the privacy interests of individual customers and subject those customers to other harm, including potential identity theft. Accordingly, AUF is submitting its fifth monthly report listing all customer inquiries (which include complaints) and the meter reading logs for the month of September, 2009 in redacted form to protect certain specified confidential

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information. Similarly, in accordance with Florida Administrative Code Rule 25-22.006(4)(b), AUF is submitting the customer inquiry report and sound recordings for the month of September 2009 on electronically-stored disks which have not been edited but which should be kept confidential because the disks contain sensitive proprietary customer-specific information.

2. The monthly customer inquiry reports, the sound recording submissions, and the meter reading logs are entitled to confidential classification pursuant to Section 367.156(3), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and are exempt from Section 119.07(1), Florida Statutes, and Article I, Section 24(a), of the Florida Constitution, because such information constitutes "proprietary confidential business information" as defined in Section 367.156(3), Florida Statutes.¹

3. Pursuant to Florida Administrative Code Rule 25-22.006, detailed justification for the confidential classification of the monthly customer inquiry reports, the monthly sound recordings of customer inquiries, and the monthly meter reading logs are set forth below.

Monthly Reports of Customer Inquiries

4. The Order requires that monthly reports listing all customer complaints shall "include customer name, address, phone number, account number, a description of the complaint, and how the complaint was resolved" Order at 22. AUF has previously supplied monthly reports of all customer inquiries (which included complaints) for May, June, July, and August, 2009. AUF is now providing its monthly report of all customer inquiries (including complaints) for September, 2009.

¹ § 367.156(3), Fla. Stat. defines proprietary confidential business information as: ". . . information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public."

5. The Commission has consistently ruled that detailed customer-specific information such as customer name, address, phone number, and account number are proprietary confidential business information "the disclosure of which would harm the privacy interest of individual customers and deter customers from contacting the company in the future if such information is subject to public disclosure" See, e.g., *In re: Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light*, 02 F.P.S.C. 3:215, Docket No. 000824-EI, Order No. PSC-02-0356-CFO-EI (March 15, 2002). Similarly, the Commission has found that disclosure of a utility customer's "personal account numbers could provide unauthorized access to third parties; thus, potentially harming [the utility's] customers." See *In re: Request for confidential treatment of certain information contained in draft report setting forth a review of customer deposit procedures of Florida's five investor-owned utilities, by Progress Energy Florida, Inc.*, 07 F.P.S.C. 6:324, Docket No. 070245-EI, Order No. PSC-07-0552-CFO-EI (June 29, 2007).

6. The following columns in AUF's report of customer inquiries for September 2009, are confidential and have been redacted for the following reasons:

- Column B - contains the customer name which is detailed customer-specific information that the Commission has routinely protected as proprietary confidential business information.
- Column C - contains the customer address which is detailed customer-specific information that the Commission has routinely protected as proprietary confidential business information.
- Column D - contains the customer account number which is detailed customer-specific information that the Commission has routinely protected as proprietary confidential business information.
- Column F - contains the customer telephone number which is detailed customer-specific information that the Commission has routinely protected as proprietary confidential business information.

Sound Recordings of Customer Inquiries

7. The Order requires AUF to submit on a monthly basis sound recordings of customer complaints from customers for the first six (6) months after the Order is issued. The purpose of this requirement is to give staff an opportunity to "listen to a sample of these [recordings] to determine if the customer complaints are handled in a professional and courteous manner." Order at 22. These sound recordings are designed to capture the dialogue between the customer and the AUF customer service representative whereby the AUF customer service representative attempts to diagnose and resolve a customer's issue. This dialogue between the customer and the customer service representative involves a discussion of sensitive customer-specific information such as proprietary credit card data, Social Security number, bank account number, customer medical condition, address, and other highly confidential customer-specific information. The disclosure of this highly sensitive and proprietary customer-specific information would harm the privacy interest of customers and subject those customers to harm, including potential identity theft. AUF has previously provided sound recordings of all customer inquiries (including complaints) received by AUF's call center for the months of May, June, July, and August 2009. AUF is now providing its monthly sound recordings of customer inquiries (including complaints) received by its call center for September, 2009.

8. As indicated above, the Commission has consistently ruled that sensitive customer-specific information such credit card data, telephone number, Social Security number, bank account number, medical condition, and address is proprietary confidential business information and thus entitled to confidential classification. *See, e.g., In re: Investigation into Southern Bell Telephone & Telegraph Company's compliance with Rule 25-4.110(2), F.A.C., rebates*, 92 F.P.S.C. 3:225, Docket No. 910727-TL, Order No. PSC-92-0053-PCO-TL (March

12, 1992) (personal information concerning health and age of ratepayers are classified as confidential); Order No. PSC-02-0356-CFO-EI, *supra*. See also, Op. Att'y Gen. Fla. 2003-23 (2003) (Social Security numbers of water and wastewater customers are confidential and protected from disclosure under Chapter 119, Florida Statutes); Section 119.071(5), Florida Statutes (Social Security numbers, bank account numbers and other credit card information are confidential and should be protected from public disclosure).

9. The sound recordings are stored electronically on disks, and the highly sensitive proprietary customer-specific information is interspersed throughout the disks. Thus, it is not possible to redact the confidential information contained therein. In accordance with Florida Administrative Code Rule 25-22.006(4)(b), twenty-one (21) unedited disks containing the sound recordings for the month of September, 2009 are attached.

Monthly Meter Reading Logs

10. The Order requires AUF to submit to staff route schedules for its regulated systems that identify the date that meters will be read for six (6) months after the Order is issued. The Order also requires AUF to provide staff with the meter reading logs for the same six (6) month period. Order at 22. This requirement is intended to give staff an opportunity to manually read a sample of AUF's meters on the same day that AUF is scheduled to read the meters in order to verify the accuracy of the meter readings and the resulting customer bills. The meter reading logs contain sensitive customer-specific information such as customer name and address.

11. As discussed above, the Commission has consistently ruled that detailed customer-specific information such as customer name and address are confidential proprietary information "the disclosure of which would harm the privacy interest of individual customers

and deter customers from contacting the Company in the future if such information is subject to public disclosure" See Order No. 02-0356-CFO-EI, *supra*.

12. The following columns in the monthly meter reading logs for September 2009 are confidential and have been redacted for the following reasons:

- Column A - contains the customer name which is detailed customer-specific information that the Commission has routinely protected as proprietary confidential business information.
- Column B - contains the customer address which is detailed customer-specific information that the Commission has routinely protected as proprietary confidential business information.

Documents Attached to the Request

13. The following documents supporting this request are attached hereto and incorporated by reference herein:

Exhibit "A": The original and fifteen (15) copies of the redacted monthly report of customer inquiries (including complaints) for the month of September, 2009 have been contemporaneously filed in this docket with this Request.

Exhibit "B": The monthly report of customer inquiries (including complaints) for the month of September, 2009 with the confidential information subject to this request highlighted in transparent ink. **This document has been placed in a sealed envelope marked "CONFIDENTIAL" and should receive confidential treatment by the Commission.** One (1) copy of Exhibit "B" is attached to the original filing hereof.

Exhibit "C": One (1) copy of a CD containing the monthly report of customer inquiries (including complaints) for the month of September, 2009 with the confidential information subject to this request highlighted. Because the information in Exhibit "C" is stored in electronic format, it is not possible to redact the confidential information contained therein. **This CD has been placed in a sealed envelope marked "CONFIDENTIAL" and should receive confidential treatment by the Commission.**

Exhibit "D": Sound recordings of customer inquiries (including complaints) for the month of September, 2009. Because the sound recordings are stored in electronic format, it is not possible to redact the confidential information contained therein. Therefore, as provided in Florida Administrative Code Rule 25-22.006(4), twenty-one (21) unedited disks containing the sound records for the month of September, 2009 are attached. **The recorded information contains**


highly sensitive customer specific information the disclosure of which may violate the privacy of customers and subject customers to identify theft and other adverse consequences. The disks have been placed in a sealed envelope marked "CONFIDENTIAL" and should receive confidential treatment by the Commission.

Exhibit "E": The original and fifteen (15) copies of the redacted monthly meter reading logs for the month of September, 2009 have been contemporaneously filed in this docket with this Request.

Exhibit "F": Meter reading logs for the month of September, 2009 with the confidential information subject to this request highlighted in transparent ink. **This document has been placed in a sealed envelope marked "CONFIDENTIAL" and should receive confidential treatment by the Commission.** One (1) copy of Exhibit "F" is attached to the original filing hereof.

WHEREFORE, AUF requests that the following customer-specific information be classified as confidential and exempt from Chapter 119, Florida Statutes, and Article I, Section 24(a), of the Florida Constitution for the maximum period: (i) the specified confidential information in the customer inquiry report highlighted in Exhibit "B"; (ii) the electronically stored material of the report of customer inquiries for September, 2009 contained on the disk designated as Exhibit "C"; (iii) the electronically stored material of sound recordings of customer inquiries for September, 2009 contained on the disks designated as Exhibit "D"; and, (iv) the specified confidential information in the meter reading logs highlighted in Exhibit "F".

Respectfully submitted this 20th day of October, 2009 by:



D. Bruce May, Jr.

Florida Bar No. 354473

Gigi Rollini

Florida Bar No. 684491

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Counsel for Aqua Utilities Florida, Inc.

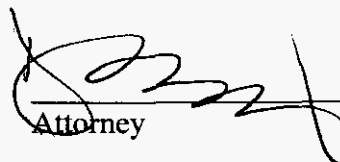
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished by hand delivery this 20th day of October, 2009 to the following:

Charles Beck, Esq.
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NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: October 20, 2009

TO: D. Bruce May, Jr., Esquire - Holland & Knight

FROM: Marguerite H. Mclean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080121-WS or, if filed in an undocketed matter, concerning customer specific information, in accordance with quality of service monitoring plan in Order PSC-09-0385-FOF-WS, and filed on behalf of Aqua Utilities. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

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