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April 20, 2011

Via Hand Delivery

Ann Cole
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~~*

100330-WS (verified Dkt No. 4-21-11 with May's Office) *nmj/jean*

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 Motion for Protective Order and Request for Confidential Classification of Customer-Specific Information to be Provided in Response to YES' First Request for Production of Documents (Nos. 7, 11, 12 & 14) and YES' First Set of Interrogatories (Nos. 6 & 12). Also enclosed are the following:

- **Confidential Attachment A:** A separate, sealed envelope containing the unredacted Report with the appropriate lines containing confidential information highlighted. The highlighted confidential information on the Report is limited to customer name and address. All of the highlighted confidential information is treated by AUF as private and has not been disclosed. **This information should be afforded confidential treatment pending a decision on AUF's request by the Commission;** and,
- **Attachment B:** Two copies of the Report with the information for which AUF has requested confidential classification blocked out.

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Ann Cole
April 20, 2011
Page 2

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

cc: Caroline Klancke
Ralph Jaeger
Patricia Christensen
Kenneth Curtin
David Bussey

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. 100330-WS

DATED: April 20, 2011

**AQUA UTILITIES FLORIDA, INC.'S MOTION FOR PROTECTIVE
ORDER AND REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
CUSTOMER-SPECIFIC INFORMATION TO BE PROVIDED IN RESPONSE TO
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 7, 11, 12 & 14) AND
FIRST SET OF INTERROGATORIES (NOS. 6 & 12)**

Aqua Utilities Florida, Inc. ("AUF"), pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006(3), Florida Administrative Code, respectfully requests that the Commission enter a protective order granting confidential classification for a document responsive to the following discovery served on AUF on March 18, 2011 by YES Companies d/b/a Arredondo Farms ("YES"): YES' First Request to Produce Nos. 7, 11, 12, and 14; and YES' First Set of Interrogatories Nos. 6 and 12 (collectively referred to herein as "Relevant Discovery"). In support of its request, AUF states:

1. The Relevant Discovery broadly requests that AUF provide documents and other information relating to any sort of customer complaint or inquiry concerning quality, service, meter readings, and water leaks, and any actions taken by AUF to respond to such customer complaints or inquiries over the last 24 months. AUF is prepared to produce a document titled "Arredondo Farms Service Order History Report" (referred to herein as the "Report") that is responsive to YES' Relevant Discovery. However, the Report contains proprietary customer-specific information, the disclosure of which would harm the privacy interest of individual customers and subject those customers to other harm, including potential identity theft.

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Accordingly, AUF is providing the Report in redacted form to protect certain specified confidential information.

2. Portions of the Report 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 it contains customer names and addresses, which information constitutes "proprietary confidential business information" as defined in Section 367.156(3), Florida Statutes.¹

3. 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, 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).

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."

4. The following columns in the Report are confidential and have been redacted for the following reasons:

- **Column 1** - Contains the customer name, which is detailed customer-specific information that the Commission has routinely protected as proprietary confidential business information.
- **Columns 2, 3 and 4** - Contain the customer address, which is detailed customer-specific information that the Commission has routinely protected as proprietary confidential business information.

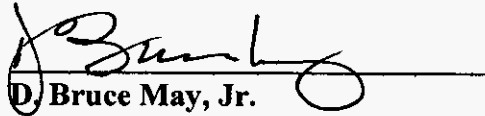
5. The customer-specific information subject to YES' Relevant Discovery fits the statutory definition of proprietary confidential business information under Section 367.156(3), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and that information should be afforded confidential classification. In support of this request and as required by Rule 25-22.006(4), AUF has enclosed the following:

- **Confidential Attachment A:** A separate, sealed envelope containing the unredacted Report with the appropriate lines containing confidential information highlighted. The highlighted confidential information on the Report is limited to customer name and address. All of the highlighted confidential information is treated by AUF as private and has not been disclosed. **This information should be afforded confidential treatment pending a decision on AUF's request by the Commission;** and,
- **Attachment B:** Two copies of the Report with the information for which AUF has requested confidential classification blocked out.

WHEREFORE, AUF respectfully requests that the Commission enter an order: (i) protecting against public disclosure the specified confidential information in the Report; (ii) specifying how the confidential information is to be handled during the course of the proceeding; and, (iii) prescribing measures to protect the information from disclosure outside of the proceeding.

Respectfully submitted this 20th day of April, 2011.

HOLLAND & KNIGHT LLP



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Attorneys for Aqua Utilities Florida, Inc.

CERTIFICATE OF SERVICE

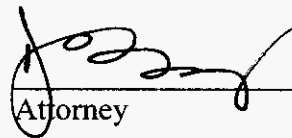
I hereby certify that a true and correct copy of the foregoing was furnished by U.S. Mail
and this 20th day of April, 2011 to:

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Florida Public Service Commission
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STATE OF FLORIDA



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Public Service Commission

ACKNOWLEDGEMENT

DATE: April 20, 2011

TO: D. Bruce May, Jr.

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 100330-WS or, if filed in an undocketed matter, concerning motion for protective order and request for confidential classification [of DN 02730-11] of customer-specific information to be provided in response to 1st request for PODs (Nos. 7, 11, 12, and 14) and 1st set of interrogatories (Nos. 6 and 12), and filed on behalf of Aqua Utilities Florida, Inc. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

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