

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Hardee, 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: May 18, 2011
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**AQUA UTILITIES FLORIDA, INC.'S  
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Aqua Utilities Florida, Inc. ("AUF"), pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby moves the Commission for a temporary protective order exempting from Section 119.07(1), Florida Statutes, certain confidential information responsive to the Office of Public Counsel's ("OPC's") Fifth Request for Production of Documents ("RPOD") Nos. 130 and 131, and OPC's Fifth Set of Interrogatories ("ROG") No. 193. As grounds for its request, AUF states:

1. In RPOD Nos. 130 and 131, and in ROG No. 193, OPC has requested that AUF produce a copy of bills relating to customer back billing; detail information about customers who have been back billed; and, supply supporting work papers and calculations to justify billing adjustments with all formulas and links intact. This information is treated by AUF as strictly confidential because this information contains customer-specific proprietary information, the disclosure of which would harm the privacy interests of individual customers and subject those customers to other harm, including potential identity theft.

2. Section 367.156 Florida Statutes, authorizes the Commission to keep confidential and exempt from Section 119.07(1), Florida Statutes, "proprietary confidential business information." The Commission has consistently ruled that detailed customer-specific

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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 customers’ “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).

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

4. Pursuant to Rule 25-22.006(6)(c), AUF agrees to make the requested documents available to OPC for inspection at the undersigned’s offices in Tallahassee, Florida, and seeks a temporary protective order to ensure the confidentiality of such material related to that inspection. AUF will also make such documents available to Commission Staff for review upon issuance of the temporary protective order.

5. Rule 25-22.006(6)(c) prohibits OPC’s retention of confidential information if OPC determines such information will not be used in a proceeding before the Commission. AUF

requests that the Commission require OPC to promptly notify AUF if, after inspection, it intends to use AUF's confidential information at hearing so that AUF has fair opportunity to move for a full protective order under Rule 25-22.006(6)(a). See Fla. Admin. Code R. 25-22.006(6)(c) ("If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under [Rule 25-22.006(6)](a) above.").

WHEREFORE, AUF respectfully requests that the Commission enter a temporary protective order protecting against public disclosure the confidential information provided by AUF in response to OPC's Fifth RPOD Nos. 130 and 131, and OPC's Fifth ROG No. 193.

Respectfully submitted this 18th day of May 2011, by:

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**CERTIFICATE OF SERVICE**

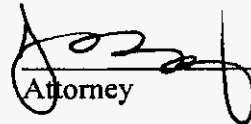
I hereby certify that a true and correct copy of the foregoing was furnished by hand-delivery or overnight delivery\*\* this 18<sup>th</sup> day of May, 2011 to:

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