

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase
in wastewater rates in Charlotte
County by Utilities, Inc. of Sandalhaven

Docket No. 150102-SU

**UTILITIES, INC. OF SANDALHAVEN'S
AMENDED REQUEST FOR CONFIDENTIAL CLASSIFICATION**
[Amended to correct Audit Control Number]

Utilities, Inc. of Sandalhaven (the "Utility"), by and through its undersigned counsel, files this Request for Confidential Classification in relation to certain documents submitted in connection with the Staff's Audit, Audit Control No. 15-175-1-2 in connection with the above-referenced Docket..

1. Pursuant to 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. 15-175-1-2 be classified as proprietary confidential business information pursuant to Section 367.156(2), Florida Statutes, and Rule 25-22.006, Florida Administrative Code (the "Confidential Information"). If this request is granted, then the subject portions of said documents provided to Staff in connection with Audit Control No. 15-175-1-2 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 attached hereto both in highlighted and redacted format, although only the redacted copy is provided with the Certificate of Service.

3. The information produced in response to Staff's Audit is intended to be and are treated by the Utility and Utilities, Inc. 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, taxes, pension information and total compensation. 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).

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.

WHEREFORE, Utilities, Inc. of Sandalhaven requests this Commission enter of an Order treating the information identified in this Motion as confidential and exempt from disclosure.

Respectfully submitted this 5th day of October, 2015, by:

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For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification, and redacted copy of the document have been furnished by E-Mail to the following parties this 5th day of October, 2015:

Erik Sayler, Esquire,
Office of Public Counsel
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

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

/s/ Martin S. Friedman

MARTIN S. FRIEDMAN
For the Firm

JUSTIFICATION MATRIX

Location (Document name and location of information)	Justification
<p><u>Consolidated Financial Statement:</u></p> <p><u>Location:</u> Pages 9-3, 9-4 & 9-6, The amounts under columns headings 2013 and 2014 Page 9-5, The amounts under columns headings Paid-in Capital, Retained Earnings & Total Page 9-10, Note 3, 1st paragraph under Income Taxes Page 9-12, Note 3, all text Page 9-13 & 9-14, Notes 4, 5 & 7, The amounts under columns headings 2013 and 2014 Page 9-15 and 9-16, Note 8 Page 9-16, Note 10 Pages 9-17, 9-18 & 9-19, Note 13, The amounts under columns headings 2013 and 2014, and the second and last paragraphs on page 18 Pages 9-19 & 9-20, Note 14, the last sentence of the first paragraph, and the amounts in the table</p>	<p>§367.156(3)(a),(b),(d) & (e): Disclosure of the financial statements of Utilities Inc., which is not a public company and is not subject to public disclosure of its financial statements would impair Utilities, Inc.'s competitive interests, could be used to discern trade secrets, or harm its ability to contract for goods and services on a favorable basis. Utilities, Inc. keeps this information strictly confidential also to prevent competitors and prospective counterparties from information which could be used in future negotiations to the disadvantage of Utilities, Inc. and its affiliates.</p>
<p><u>Salaries:</u></p> <p>44-1; Columns D through H and J through M, with the exception of the final totals at the end of the respective columns 44-2, 44-2.1, 44-2.2; All of columns B and D, with the exception of the final totals at the end of the respective columns 44-2.3 & 44-2.3.1; All of columns C through G and I through L, with the exception of the final totals at the end of the respective columns</p>	<p>§367.156(3)(d) Disclosure of compensation data, tax data, benefits 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 <i>Florida Power & Light Company et al. v. Public Service Commission</i>, 31 So. 3d 860 (Fla. 1st DCA 2010). The Utility keeps this information strictly confidential to prevent other utilities from</p>

<p>44-3, & 44-4; All of columns with salary and benefits information with the exception of the final totals at the end of the respective columns</p>	<p>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>
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