

LAW OFFICES
ROSE, SUNDBSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

FREDERICK L. ASCHAUER, JR.
CHRIS H BENTLEY, P.A.
ROBERT C. BRANNAN
F. MARSHALL DETERDING
JOHN R. JENKINS, P.A.
KYLE L. KEMPER
STEVEN T. MINDLIN, P.A.
CHASITY H. O'STEEN
WILLIAM E. SUNDBSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON
ROBERT M. C. ROSE (1924-2006)

(850) 877-6555
FAX (850) 656-4029
www.rsbattoorneys.com

CENTRAL FLORIDA OFFICE
SANLANDO CENTER
2180 W. STATE ROAD 434, SUITE 2118
LONGWOOD, FLORIDA 32779
(407) 830-6331
FAX (407) 830-8522

REPLY TO CENTRAL FLORIDA OFFICE

MARTIN S. FRIEDMAN, P.A.
BRIAN J. STREET

CHRISTIAN W. MARCELLI, OF COUNSEL
(LICENSED IN NEW YORK ONLY)

May 7, 2009

HAND DELIVERY

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

RECEIVED-FPSC
09 MAY - 7 PM 2: 38
COMMISSION
CLERK

RE: Docket No. 080247-SU; Utilities, Inc. of Eagle Ridge's Application for Increase in Wastewater Rates in Lee County, Florida (See also, Docket No. 080248-SU; Docket No. 080249-WS; and Docket No. 080250-SU)
Our File No.: 30057.158

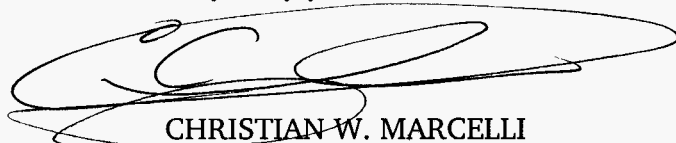
Dear Ms. Cole:

Enclosed please find for filing the following:

1. Notice of Intent to Request Confidential Classification; and
2. Request for Confidential Classification.

Should you have any questions regarding this filing, please contact me.

Very truly yours,



CHRISTIAN W. MARCELLI
For the Firm

COM _____ Enclosures

ECR _____ cc: Ms. Kirsten Weeks (via email) (w/o enclosures)

GCL L Mr. Patrick C. Flynn (via email) (w/o enclosures)

OPC _____ Avy Crawford, Division of Economic Regulation (via email) (w/o encs.)

RCP + Denise Vandiver, Regulatory Compliance & Consumer Assistance (via e-mail) (w/o encs.)

SEC _____ Lisa Bennett, Esquire, Office of the General Counsel (via email) (w/o enclosures)

BGA _____ m:\1 altamonte\utilities inc\eagle ridge\(.158) 2008 rate case\psc clerk 14 (req confidential status).ltr.doc

ADM _____

CLK L

DOCUMENT NUMBER-DATE

04403 MAY-7 8

FPSC-COMMISSION CLERK

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

Audit Control No. 08-261-4-1

Docket No. 080247-SU

NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

UTILITIES, INC. ("UI"), by and through its undersigned attorneys and pursuant to Rule 25-22.006, Florida Administrative Code and Section 367.156, Florida Statutes, hereby gives notice that it intends to request confidential classification of certain work papers provided by UI in connection with the audit of Utilities, Inc. and its affiliates.¹

As required by Rule 25-22.006(3)(a), a copy of the written request for the confidential material is attached hereto.

WHEREFORE, Utilities, Inc., requests this Commission find and determine that the described audit work papers are entitled to confidential treatment pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and exempt from public disclosure.

Respectfully submitted on this 7th
day of May, 2009, by:

ROSE, SUNDSTROM & BENTLEY, LLP
2180 W. State Road 434, Suite 2118
Longwood, FL 32779
(407) 830-6331

BY: 

CHRISTIAN W. MARCELLI

¹ The audit referenced herein was also used in connection with Docket No. 080248-SU (Tierra Verde Utilities, Inc. rate application), Docket No. 080249-WS (Labrador Utilities, Inc. rate application), and Docket No. 080250-SU (Mid-County Services, Inc. rate application).

DOCUMENT NUMBER-DATE

04403 MAY-7 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Audit Control No. 08-261-4-1

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

Docket No. 080247-SU

REQUEST FOR CONFIDENTIAL CLASSIFICATION

UTILITIES, INC. and its affiliates (collectively, "UI") , by and through its undersigned attorneys and pursuant to Rule 25-22.006, Florida Administrative Code and Section 367.156, Florida Statutes, hereby requests confidential classification of certain work papers provided by UI in connection with the audit of UI's headquarters accounts in this matter.¹

1. The information which UI seeks to be classified as confidential falls within the following classifications:

- A. Information relating to the competitive interests of UI, the disclosure of which would impair the competitive businesses of UI;
- B. Information concerning bids or other contractual data, the disclosure of which would impair the efforts of UI to contract for goods or services on favorable terms;
- C. Information relating to UI, none of which are publicly traded, which UI considers proprietary and confidential and which would not be disseminated to the public in the ordinary course of business; and

¹ The audit referenced herein was also used in connection with Docket No. 080248-SU (Tierra Verde Utilities, Inc. rate application), Docket No. 080249-WS (Labrador Utilities, Inc. rate application), and Docket No. 080250-SU (Mid-County Services, Inc. rate application).

DOCUMENT NUMBER-DATE
04403 MAY-7 8
FPSC-COMMISSION CLERK

D. Information which UI treats as confidential and privileged, and which the courts of this state would, but for the use in this proceeding, treat as confidential and privileged as a matter of course.

2. The disclosure of the information for which UI requests confidential classification would harm UI and have an adverse impact on ratepayers who obtain service from UI's Florida subsidiaries in the following ways:

A. Impair UI's ability to negotiate for goods and services competitively with other utilities both locally and on a national basis;

B. Unfairly disclose confidential and privileged information which is irrelevant to, and have no impact on, the outcome of this proceeding;

C. Provide prospective sellers and buyers of utility systems owned by UI with an unfair advantage in that they could determine how much UI would be willing to pay for a utility system, or sell a utility system for, thus impair UI's ability to sell and buy utility systems at reasonable prices.

3. Pursuant to Rule 25-22.006((4)(a)), attached are copies of the documents for which confidential classification is requested, one with the confidential information highlighted and two with such information masked, together with the justification table required by Rule 25-22.006(4)(c).

4. In the last year, UI has filed numerous rate and territory extension proceedings in the State of Florida alone. In the course of assisting Staff in conducting this audit, correcting deficiencies and responding to data requests, UI inadvertently overlooked the filing of this Request for Confidential Classification within the 21 days provided in the Rule. The delay in filing this Request for Confidential Classification was

the result of an oversight during a period of time when UI was experiencing and overwhelming amount of activity. The period of delay is not significant. Allowing filing at this time will not impair the rights of any interested person.

WHEREFORE, Utilities, Inc., requests this Commission find and determine that the referenced audit work papers are entitled to confidential treatment pursuant to Section 367.156, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and exempt from public disclosure.

Respectfully submitted on this 7th
day of May, 2009, by:

ROSE, SUNDSTROM & BENTLEY, LLP
Sanlando Center
2180 W. State Road 434, Suite 2118
Longwood, FL 32779
(407) 830-6331

BY:


CHRISTIAN W. MARCELLI

Justification Table

Required by Rule 25-22.006(4)(c)

Item No. (From Confidential Documents Control Log)	Description	Page No./Line	Justification pursuant to Section 367.156(3) or Harm to Utility and to Rate Payers
31-1/4	Audited Financial Statements	All of pages 3-18	<p>Confidential because the information consists of:</p> <ol style="list-style-type: none"> 1 Information relating to the competitive interests of UI, the disclosure of which would impair the competitive businesses of UI; 2. Information not contained in annual reports concerning bids or other contractual data, the disclosure of which would impair the efforts of UI to contract for goods or services on favorable terms; 3. Information relating to UI, none of which are publicly traded, which UI considers proprietary and confidential and which would not be disseminated to the public in the ordinary course of business; and 4. Information which UI treats as confidential and privileged, and which the courts of this state would, but for the use in this proceeding, treat as confidential and privileged as a matter of course. <p>Harm to UI and ratepayers because:</p> <ol style="list-style-type: none"> 1. Impair UI's ability to negotiate for goods and services competitively with other utilities both locally and on a national basis; 2. Unfairly disclose confidential and privileged information which is irrelevant to, and have no impact on, the outcome of this proceeding; C. Provide prospective sellers and buyers of utility systems owned by UI with an unfair advantage in that they could determine how much UI would be willing to pay for a utility system, or sell a utility system for, thus impair UI's ability to sell and buy utility systems at reasonable prices. The harm caused is not solely limited to disclosure of purchase prices for utilities and would be caused by the revelation of input details, which are not publicly disclosed, that go into determining the price for a utility system.

31-1/1	Debt Agreement	All of pages 1-84	<p>Confidential because the information consists of:</p> <ol style="list-style-type: none"> 1. Information relating to UI, none of which are publicly traded, which UI considers proprietary and confidential and which would not be disseminated to the public in the ordinary course of business; and 2. Information which UI treats as confidential and privileged, and which the courts of this state would, but for the use in this proceeding, treat as confidential and privileged as a matter of course. 3. Information concerning bids or other contractual data, the disclosure of which would impair the efforts of UI to obtain credit or issue debt on favorable terms; <p>Harm to UI and ratepayers because:</p> <ol style="list-style-type: none"> 1. Impair UI's ability to negotiate for goods and services competitively with other utilities both locally and on a national basis. 2. Unfairly disclose confidential and privileged information which is irrelevant to, and have no impact on, the outcome of this proceeding.
31-1/2	Short Term Debt Statements	All of pages 1-2	<p>Confidential because the information consists of:</p> <ol style="list-style-type: none"> 1. Information relating to the competitive interests of UI, the disclosure of which would impair the competitive businesses of UI; 2. Information concerning bids or other contractual data, the disclosure of which would impair the efforts of UI to contract for goods or services on favorable terms; 3. Information relating to UI, none of which are publicly traded, which UI considers proprietary and confidential and which would not be disseminated to the public in the ordinary course of business; and 4. Information which UI treats as confidential and privileged, and which the courts of this state would, but for the use in this proceeding, treat as confidential and privileged as a matter of course. <p>Harm to UI and ratepayers because:</p> <ol style="list-style-type: none"> 1. Impair UI's ability to negotiate for goods and services competitively with other utilities both locally and on a national basis; 2. Unfairly disclose confidential and privileged information which is irrelevant to, and have no impact on, the outcome of this proceeding.

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: May 7, 2009

TO: Christian W. Marcelli, Rose Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 080247, 248, 249,250 or, if filed in an undocketed matter, concerning certain work papers provided by UI in connection with audit of Utilities, Inc. and its affiliates, and filed on behalf of Utilities, Inc. 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.

DOCUMENT NUMBER - DATE
04404 MAY -7 08
FPSC - COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com> Internet E-mail: contact@psc.state.fl.us