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Public Service Commission

March 17, 2011

Mr. Christian W. Marcelli
Rose, Sundstrom & Bentley, LLP
766 N. Sun Drive, Suite 4030
Lake Mary, FL 32746

Re: Docket No. 100426-WS, In Re: Application for increase in water and wastewater rates in Lake County by Lake Utility Services, Inc.

Dear Mr. Marcelli:

On February 10, 2011, in Docket No. 100426-WS, Lake Utility Services, Inc. (LUSI) filed a request for confidential classification for LUSI's responses to Staff's First Data Request (Document No. 00970-11). Florida has a broad public records law which allows limited exemptions from disclosure under Section 119.07(1), Florida Statutes (F.S.). One of these exemptions is for proprietary confidential business information pursuant to Section 367.156, F.S. It is the burden of the requesting party to show that the exemptions described in Section 367.156(3), F.S., apply to the information at question in the confidential classification request.

Staff has reviewed LUSI's request for confidential classification and would like further clarification from LUSI concerning the applicability of Section 367.156(3), F.S. and Rule 25-22.006, Florida Administrative Code (F.A.C.) to the following information within LUSI's request:

1. Aggregate salary, benefit, and other aggregate amounts redacted on Page 5 of 52 and Page 7 of 52.
2. ERC Count (Column A) and Percentage to Total (Column B) redacted on Page 34 of 52 through Page 51 of 52. Staff notes that the ERC Count information was previously provided to staff without a request for confidential classification on two compact discs (two CDs) on December 27, 2010 (See Document No. 10121-11).¹

¹ The data related to the allocations was submitted in electronic format on two CDs filed with the Utility's initial MFR filings in Document No. 10121-10. The allocations are located on the CD in a PDF file: *June 10 Allocation Batch 86350.pdf* on pages 3 through 11. The title of the allocation table is Utilities, Inc. Variable Allocations Journal.

DOCUMENT NUMBER - DATE

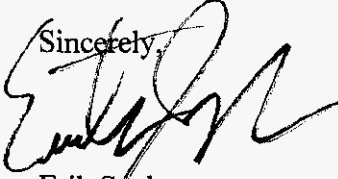
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According to Section 367.156(3), F.S., for information to be considered proprietary confidential business information and exempt from Section 119.07(1), F.S, the company must treat and intend to treat that information as private because the disclosure of the information would cause harm to the company or the ratepayers, and that the company has not previously disclosed the information. As noted above, it appears that such treatment has not been maintained for some of the information in LUSI's request. In addition, there appears to be a discrepancy between the redacted and confidential versions of LUSI's requests for confidential classification in relation to salary and benefits information. (See Page 4 of 52 through Page 7 of 52 of the requests). In the redacted version, the request does not redact the names and positions of employees; however, in the confidential version, those names and positions are highlighted for redaction. Please clarify.

Please respond by letter by April 11, 2011, indicating whether UI continues to seek confidential classification of the above referenced information and the basis under Section 367.156(3), F.S., for that continued request. If UI no longer seeks confidential classification of this information, please submit a revised request for confidential classification that does not redact that information. If you have any questions or wish to schedule an informal meeting to discuss this letter, please contact the Office of General Counsel at (850) 413-6199.

Sincerely,

Erik Saylor
Senior Attorney

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cc: Commission Clerk
Office of Public Counsel