

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

DOCKET NO.: 110153-SU

UTILITIES, INC. OF EAGLE RIDGE'S  
MOTION FOR TEMPORARY PROTECTIVE ORDER

UTILITIES, INC. OF EAGLE RIDGE ("Utility" or "Eagle Ridge") by and through its undersigned counsel, files this Motion for Temporary Protective Order with regard to documents submitted in connection with OPC'S First Set of Interrogatories (Nos. 1 - 18), and First Request for Production of Documents (Nos. 1 - 10).

1. Pursuant to Section 367.156(2), 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 all of the salary information response to Interrogatories 10(b), 14, 16, and 17(a) and Production 7(b) and 7(e) be classified as proprietary confidential business information under Section 367.156(2), Florida Statutes, and Rule 25-22.06, Florida Administrative Code. The disclosure of salary information has been determined to be proprietary Confidential business information. Florida Power & Light Company v. Public Service Commission, 31 So 3d 860 (Fla. 1<sup>st</sup> DCA 2010).

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.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

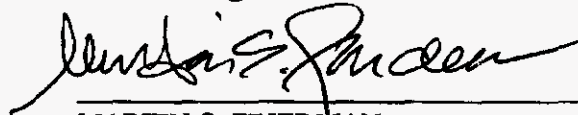
4. Pursuant to Rule 25-22.006(6)(c), Eagle Ridge agrees to make the requested documents available to OPC for inspection in redacted and unredacted format, and seeks a temporary protective order to endure the confidentiality of such material related to that inspection. Eagle Ridge will likewise make such 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. Eagle Ridge requests that the Commission require OPC to promptly notify Eagle Ridge if, after inspection, it intends to use Eagle Ridge's confidential information at hearing so that Eagle Ridge 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, UTILITIES, INC. OF EAGLE RIDGE prays for the entry of a temporary protective order protecting against public disclosure of confidential salary information.

Respectfully submitted this 15<sup>th</sup> day of February, 2012, by:

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**CERTIFICATE OF SERVICE**  
**DOCKET NO. 110153-SU**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished  
by U.S. Mail to the following parties this 15<sup>th</sup> day of February, 2012:

Erik L. Saylor  
c/o The Florida Legislature  
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Tallahassee, FL 32393-1400

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