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By Case Mgmt

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June 9, 2015

VIA FEDERAL EXPRESS

Irene Kim Asbury, Secretary
Board of Public Utilities
44 South Clinton Avenue, 9th floor
P.O. Box 350
Trenton, NJ 08625-0350

RECEIVED

JUN 10 2015

BOARD OF PUBLIC UTILITIES
MAIL ROOM

Re: In the Matter of the Petition of United Water Toms River Inc. for
Approval of an Increase in Rates for Water Service and Other Tariff Changes
BPU Docket No. WR15020269

Dear Secretary Asbury:

On behalf of United Water Toms River Inc., enclosed for filing please find a confidentiality claim and supporting affidavit seeking confidential treatment of the following materials:

Data Responses RCR-RR-6, 35 & 60 – Unredacted Confidential Versions

Please note that these materials are being filed pursuant to the Open Public Records Act. Please do not hesitate to contact me should you have any questions regarding this matter.

Respectfully submitted,

Stephen B. Genzer

SBG/jg
Enclosures

C. Vecchier
Case Mgmt Conf
J. Kane
Water

One Riverfront Plaza, Suite 1520 • Newark, NJ 07102-5426 • Phone: (973) 286-6700 • Fax: (973) 286-6800
Stephen B. Genzer - Newark Managing Partner

**BEFORE THE
NEW JERSEY BOARD OF PUBLIC UTILITIES**

I/M/O THE PETITION OF UNITED WATER
TOMS RIVER INC. FOR APPROVAL OF AN
INCREASE IN RATES FOR WATER
SERVICE AND OTHER TARIFF CHANGES

CLAIM OF CONFIDENTIALITY

BPU DOCKET NO. WR15020269

Responses to data requests:

RCR-RR-6 , RCR-RR-35 &

RCR-RR-60

JUN 10 2015

BOARD OF PUBLIC UTILITIES
MAIL ROOM

I. CONFIDENTIALITY CLAIM

United Water Toms River Inc. ("UWTR," the "Company" or the "Providing Party"), the Petitioner in the above-captioned matter before the New Jersey Board of Public Utilities ("Board"), in accordance with N.J.A.C. 14:1-12.8, hereby claims that the responses to data requests RCR-RR-6, RCR-RR-35 and RCR-RR-60 contain proprietary financial information (the "Confidential Materials"), and are entitled to confidential treatment. Specifically, the Confidential Materials contain detailed income tax information, and calculations utilizing income tax filings, which include financial information and operating results for the Petitioner, as well as its regulated and unregulated affiliates, that remain competitively sensitive and are trade secrets.

The Providing Party respectfully requests that the Board determine: (a) that the Confidential Materials must be treated as confidential; and (b) that the Confidential Materials should not to be released, disclosed or provided by the Board's Government Records Custodian in response to any request for access under the Open Public Records Act ("OPRA"). N.J.S.A. 47:1A-1, et seq. Due to their sensitive proprietary nature, the Confidential Materials fall under specific exemptions from OPRA's definition of

"government record" and therefore should receive confidential treatment and not be subject to disclosure.

The following paragraphs will serve to satisfy the confidentiality substantiation requirements of N.J.A.C. 14:1-12.8.

II. DESIGNATION OF ADDRESSEE FOR NOTICE

1. Pursuant to N.J.A.C. 14:1-12.4, 12.7 and 12.9, the Providing Party hereby designates that all correspondence, custodian communications (oral and written) including, but not limited to, notices, and inquiries relating to this confidentiality claim and substantiation should be directed to:

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Gary S. Prettyman
United Water Management and Services, Inc.
461 From Road, Suite 400
Paramus, NJ 07652
Phone: 201-784-7082
Email: Gary.Prettyman@UnitedWater.com

III. SUBSTANTIATION OF CONFIDENTIALITY CLAIM

A. Description of Materials

2. On or about February 17, 2015, UWTR filed with the Board a Petition seeking an increase in rates for water service. The matter was assigned BPU Docket No. WR15020269. In connection with its review of UWTR's request, the Division of Rate Counsel has propounded data requests seeking detailed tax and financial information

about UWTR and its affiliated companies. In responding to data requests RCR-RR-6, RCR-RR-35 and RCR-RR-60, the Company has provided the requested information which is not public and competitively sensitive. The Company hereby provides unredacted versions of the responses to RCR-RR-6, RCR-RR-35 and RCR-60, and requests that the Board treat these materials, and the information contained therein, as confidential. Unredacted versions of the Confidential Materials have also been separately provided to the Staff of the Board of Public Utilities and the Division of Rate Counsel, along with a letter indicating that the Confidential Materials are the subject of a request for confidential treatment.

3. The responses to RCR-RR-6, RCR-RR-35 and RCR-RR-60 contain confidential information. Specifically, the Confidential Materials contain non-public information regarding the financial performance of UWTR and its affiliated companies for a period of several years. These Confidential Materials directly depict the sensitive business and competitive performance of UWTR and its affiliates in both regulated and unregulated markets. The Confidential Materials present trade secrets regarding financial performance in regulated and unregulated markets.

4. The responses to RCR-RR-6, RCR-RR-35 and RCR-RR-60 constitute the proprietary commercial information of UWTR and its affiliates, which if publically disclosed would likely cause competitive and financial damage to UWTR and its affiliates.

B. OPRA Exceptions

5. The Confidential Materials contain proprietary financial information, as well as proprietary trade secrets, and therefore fall squarely under at least two exemptions

to the definition of "government record" given in OPRA. N.J.S.A. 47:1A-1.1.

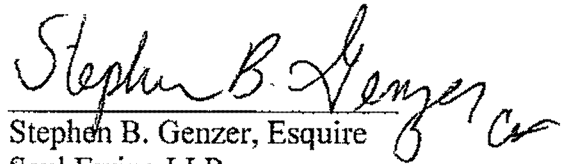
6. The Confidential Materials are not subject to any presumption of public access, *see id.*, at N.J.S.A. 47:1A-1, and are not subject to disclosure. *See id.*, N.J.S.A. 47:1A-1.1; *see also* N.J.A.C. 14:1-12.8(a)(7).

C. Measures Taken to Prevent Disclosure of Sensitive Information.

7. UWTR has protected the confidential information contained in the responses to RCR-RR-6, RCR-RR-35 and RCR-RR-60 by refusing to make the Confidential Materials available to the public or to submit them to public agencies without seeking confidential protection. *See, N.J.A.C. 14:1-12.8(a)(1)*.

WHEREFORE, for the foregoing reasons, UWTR respectfully requests that the Board approve this Confidentiality Claim and find that: (1) The versions of the responses to RCR-RR-6, RCR-RR-35 and RCR-RR-60 submitted in Docket No. WR15020269 are not government records in that the responses to RCR-RR-6, RCR-RR-35 and RCR-RR-60 are exempt from OPRA's definition of government records; (2) Direct its Records Custodian to deny all applications for access to, or disclosure of, the enclosed the responses to RCR-RR-6, RCR-RR-35 and RCR-60; (3) Continue indefinitely to treat the enclosed materials as confidential; and (4) Grant such other relief and approvals as it may deem appropriate and necessary.

Respectfully submitted,


Stephen B. Genzer, Esquire
Saul Ewing LLP

Dated: June 9, 2015

**BEFORE THE
NEW JERSEY BOARD OF PUBLIC UTILITIES**

I/M/O THE PETITION OF UNITED WATER
TOMS RIVER INC. FOR APPROVAL OF AN
INCREASE IN RATES FOR WATER
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CLAIM OF CONFIDENTIALITY

Affidavit of Gary S. Prettyman

BPU DOCKET NO. WR15020269

I, Gary S. Prettyman, am Sr. Director – Regulatory Business for United Water Management and Services Inc., and I am authorized to make the following statements on behalf of United Water Toms River Inc. (hereinafter "UWTR"). I hereby certify that to the best of my knowledge, the confidential statements and affirmations contained in the enclosed confidentiality claim are true and accurate, and that said confidential responses to RCR-RR-6, RCR-RR-35 and RCR-RR-60 require confidential protection. I further certify that the responses to RCR-RR-6, RCR-RR-35 and RCR-RR-60 contain confidential income tax information which falls within exemptions to the definition of "government record" given in N.J.S.A. 47:1A-1.1 as these materials contain proprietary, commercial, and financial information. I also certify that UWTR has taken substantial measures to prevent disclosure to others of the confidential information contained in the responses to RCR-RR-6, RCR-RR-35 and RCR-RR-60.

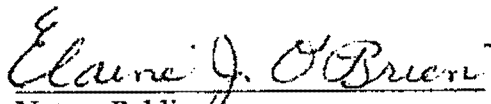
I further certify that disclosure of this confidential information could result in harmful effects to UWTR and/or its affiliates. The competitive position of UWTR and/or its affiliates could be undermined if the confidential information becomes available to competitors.

I understand that if any of the foregoing is willfully false, I am subject to punishment.

Date: June 9, 2015

By: 
Gary S. Prettyman

Subscribed and Sworn to Before Me
This 9th Day of June, 2015


Notary Public

My commission expires: AUG. 31, 2017

ELAINE J. O'BRIEN
A Notary Public of New Jersey
My Commission Expires **AUGUST 31, 2017**