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August 23, 2001

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 010001-EI

Dear Ms. Bayo:

On behalf of Florida Industrial Power Users Group (FIPUG), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ FIPUG's Objection to Tampa Electric Company's Request for Confidential Classification.

Please acknowledge receipt of the above on the extra copy and return the stamped copy to me. Thank you for your assistance.

Sincerely,



Vicki Gordon Kaufman

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased
Power Cost Recovery Clause
and Generating Performance
Incentive Factor

Docket No. 010001-EI

Filed: August 23, 2001

**FIPUG's Objection to Tampa Electric Company's
Request for Confidential Classification**

The Florida Industrial Power Users Group (FIPUG) hereby files this objection to Tampa Electric Company's (TECo) Request for Confidential Classification filed on August 16, 2001. Such request should be denied and the documents which TECo seeks to shield from public disclosure should be immediately made public. As grounds therefor, FIPUG states:

1. On June 21, 2001, the Commission Staff sent Interrogatory Nos. 2-8 to TECo. TECo responded on July 26, 2001. At that time, TECo provided redacted copies of its answers to Interrogatory Nos. 5, 6, and 7 to FIPUG.

2. In its continuing effort to keep secret¹ information directly bearing on the prices it charges to retail customers, on August 16, 2001, TECo filed a Request for Confidential Classification for the information redacted in its interrogatory responses to Staff. FIPUG files this formal objection to that request.²

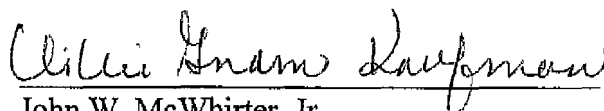
¹There are a number of outstanding disputes between FIPUG and TECo regarding TECo's efforts to shield discovery responses from the public. Disputes as to FIPUG Interrogatory Nos. 11(e), 24(c) and 28 and POD No. 3 remain pending before the Commission. However, because FIPUG is in need of this information (as well as the information responsive to Staff's discovery) to prepare for the November hearing, on August 20, 2001, it signed a Protective Agreement with TECo, under protest, in order to receive the information noted above as well as the information which is the subject of TECo's request for Confidential Classification discussed herein. FIPUG wants to make it clear that the signing of that agreement is in no way intended to be a waiver of its rights or to be viewed as acquiescence to TECo's position. In fact, ¶ 3 of the Agreement between FIPUG and TECo provides: "Nothing in this Agreement is intended to preclude FIPUG from challenging the merits of whether a particular document is proprietary confidential business information within the meaning of Section 366.093, Florida Statutes."

²In its ongoing dispute with TECo regarding TECo's effort to shield information from the public, in a spirit of compromise, FIPUG offered to sign a protective agreement to protect information from 2000 and 2001 but not stale information from 1998 and 1999. FIPUG makes the same offer here.

3. The information TECo seeks to shield in its Request for Confidential Classification relates to revenues TECo received during times of interruption and megawatt hours sold during the interruption (Staff Interrogatory No. 5), similar information for when interruptible customers had to buy through, the entity bought from and a comparison between the buy-through rate and the interruptible rate (Staff Interrogatory No. 6), and for periods when TECo bought and sold power from the same entity, the name of the entity and the energy charge (Staff Interrogatory No. 7).

4. TECo claims this information should be protected because to disclose it would be detrimental to TECo and its customers and would impair the competitive business of the company. However, there is no justification for keeping secret information that is almost four years old. Changes in weather, system load, system demand, units on forced and scheduled maintenance and a myriad of other factors render such stale information of little value in helping competitors evaluate either TECo's system or the wholesale market. TECo's transparent attempt to keep this information secret should be denied.

WHEREFORE, TECo's Request for Confidential Classification should be denied.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing FIPUG's Objection to Tampa Electric Company's Request for Confidential Classification has been furnished by (*) hand delivery, or U.S. Mail this 23rd day of August, 2001, to the following:

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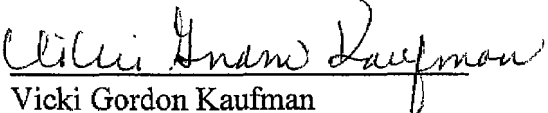
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