

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

April 22, 2003

HAND DELIVERED

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance  
Incentive Factor; FPSC Docket No. 030001-EI

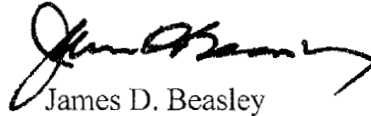
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa Electric Company's Request for Confidential Classification regarding its answer to Staff's Second Set of Interrogatories (No. 10).

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,



James D. Beasley

JDB/pp  
Enclosure

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER-DATE

03685 APR 22 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery )  
Clause with Generating Performance Incentive ) DOCKET NO. 030001-EI  
Factor. ) FILED: April 22, 2003  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Tampa Electric Company ("Tampa Electric" or "the company") hereby requests confidential treatment of certain highlighted information contained on page 1 of 1 of the company's April 8, 2003 confidential filing in this proceeding and, as grounds therefor, says:

1. On April 8, 2003 Tampa Electric submitted a single page answer to Staff's Second of Interrogatories (No. 10) along with a Notice of Intent to Seek Confidential Classification of the highlighted portions of that filing. The confidential information Tampa Electric seeks to have protected was highlighted in yellow in the company's April 8, 2003 filing.

2. Attached hereto as Exhibit "A" are two public versions of the company's answer to Staff's Interrogatory No. 10 with the confidential information redacted.

4. The confidential information the company seeks to have protected is entitled to confidential treatment pursuant to Section 366.093(3)(d), Florida Statutes, as is more fully set forth in the justification for confidential treatment attached here as Exhibit "B".

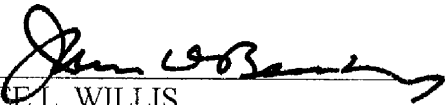
5. Tampa Electric treats the highlighted information contained in its April 8, 2003 filing as confidential and has not disclosed that information publicly.

WHEREFORE, Tampa Electric Company respectfully requests that the highlighted information contained in its answer to Staff's Interrogatory No. 10, filed with the Commission on

a confidential basis on April 8, 2003, be treated as confidential proprietary business information exempt from public records law pursuant to Section 366.093(3)(d), Florida Statutes.

DATED this 22<sup>nd</sup> day of April 2003.

Respectfully submitted,



LEE L. WILLIS

JAMES D. BEASLEY

Ausley & McMullen

Post Office Box 391

Tallahassee, Florida 32302

(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Service, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 22<sup>nd</sup> day of April 2003 to the following:

Mr. Wm. Cochran Keating, IV\*  
Senior Attorney  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

Mr. James A. McGee  
Associate General Counsel  
Progress Energy Florida, Inc.  
Post Office Box 14042  
St. Petersburg, FL 33733

Mr. Joseph A. McGlothlin  
Ms. Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman & Arnold, P.A.  
117 S. Gadsden Street  
Tallahassee, FL 32301

Mr. Robert Vandiver  
Associate Public Counsel  
Office of Public Counsel  
111 West Madison Street – Suite 812  
Tallahassee, FL 32399-1400

Mr. Norman Horton  
Messer Caparello & Self  
Post Office Box 1876  
Tallahassee, FL 32302

Mr. John T. Butler  
Steel Hector & Davis LLP  
200 South Biscayne Boulevard  
Suite 4000  
Miami, FL 33131-2398

Mr. William Walker  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

Mr. R. Wade Litchfield  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, FL 33408

Mr. John W. McWhirter, Jr.  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-5126

Ms. Susan Ritenour  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520

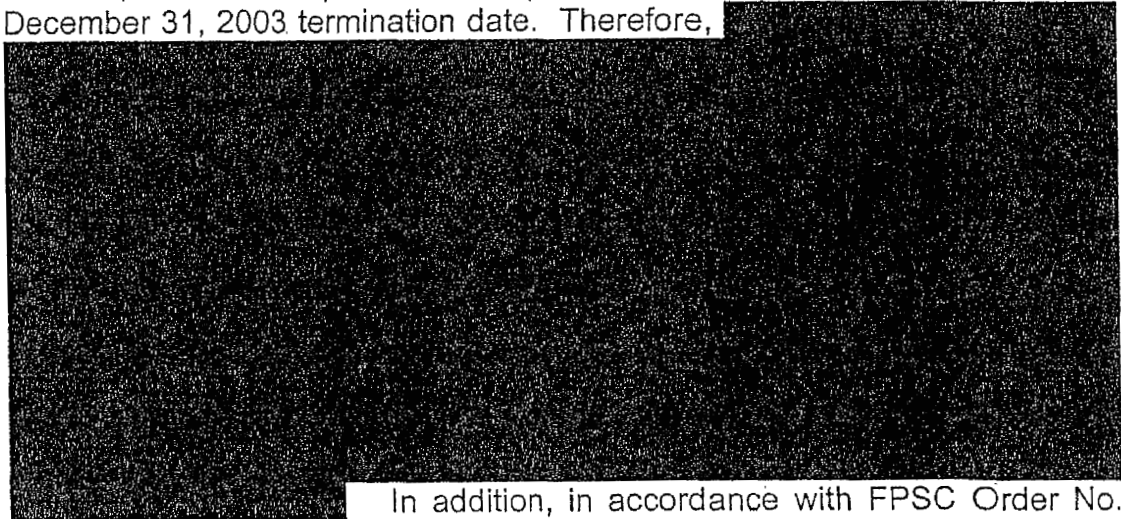
Mr. Jeffrey A. Stone  
Mr. Russell A. Badders  
Beggs & Lane  
Post Office Box 12950  
Pensacola, FL 32591-2950

  
\_\_\_\_\_  
ATTORNEY

TAMPA ELECTRIC COMPANY  
DOCKET NO. 030001-EI  
STAFF'S 2<sup>nd</sup> SET OF INTERROGATORIES  
INTERROGATORY NO. 10  
PAGE 1 OF 1  
FILED: APRIL 8, 2003

10. If Tampa Electric does not intend to issue an RFP this year for waterborne coal transportation service, please describe the specific measures that Tampa Electric intends to take, or has taken, to ensure that it will obtain a market price for waterborne coal transportation service under any new contract for such service.

A. As previously stated in the response to Interrogatory No. 8, Tampa Electric is currently evaluating its waterborne coal transportation needs and has not concluded if and when an RFP will be issued in 2003 to prospective providers of waterborne coal transportation service. Per the terms of the existing contract, if Tampa Electric has a continuing need for transportation services, TECO Transport has the option to extend the contract beyond the December 31, 2003 termination date. Therefore,



In addition, in accordance with FPSC Order No. 20298, issued on November 10, 1988, which established Tampa Electric's waterborne coal transportation benchmark, any negotiated waterborne coal transportation service agreement costs that are recovered must be at or below "market" as established by the company's waterborne transportation benchmark, unless the company requests recovery for and justifies any costs that exceed the benchmark.

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT  
OF HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC COMPANY'S  
ANSWER TO STAFF'S SECOND SET OF INTERROGATORIES (NO. 10.)**

**Interrogatory No. 10, Page 1 of 1**

The confidential information Tampa Electric seeks to have protected consists of negotiated terms of an existing transportation supply contract between Tampa Electric and TECO Transport. Public disclosure of the information would harm Tampa Electric's interests and those of TECO Transport in future contract negotiations with other transportation providers (in the case of Tampa Electric) and other transportation customers (in the case of TECO Transport). Negotiated contract terms between Tampa Electric and TECO Transport constitute "information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms." As such, the information in question is entitled to confidential treatment under Section 366.093, (3)(d) Florida Statutes. The Commission traditionally has recognized the need to protect this type of contractual information confidentially.

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