

# AUSLEY & MCMULLEN

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(850) 224-9115 FAX (850) 222-7560

October 29, 2003

HAND DELIVERED

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 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 is the original and ten (10) copies of Tampa Electric Company's Notice of Intent to Seek Confidential Classification of certain information in response to Staff's Fourth Request for Production of Documents, Document No. 15, together with a refile of confidential information referred to in Tampa Electric's answers to First Request for Production of Documents (No. 1) filed October 2, 2002 in Docket No. 020001-EI.

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,

  
Lee L. Willis

LLW/pp  
Enclosure

cc: All parties of record (w/enc.)

DOCUMENT NUMBER-DATE

10719 OCT 29 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: October 29, 2003  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S NOTICE OF INTENT  
TO SEEK CONFIDENTIAL CLASSIFICATION**

Tampa Electric Company ("Tampa Electric or "the company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3)(a) and (6), Florida Administrative Code, files this its Notice of Intent to Seek Confidential Classification of certain information included in Tampa Electric Company's response to Staff's Fourth Request for Production of Documents, Document No. 15, together with a refile of confidential information referred to in Tampa Electric Company answers to First Request for Production of Documents (No. 1) of Florida Public Service Commission Staff filed October 2, 2002, and as grounds therefor, says:

1. The Commission Staff has requested to review the Transportation Storage and Transfer Agreement between Tampa Electric Company and TECO Transport Corporation dated as of October 6, 2003 consisting of 42 pages, along with a copy of a similar agreement between Tampa Electric and TECO Transport Corporation dated as of June 30, 1998, consisting of a cover page, a 2-page table of contents and 37 pages of contractual terms and conditions.

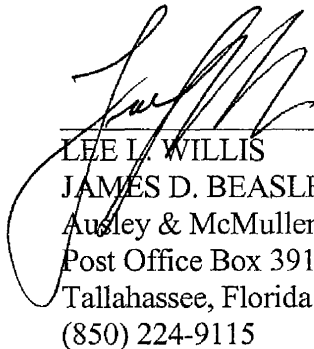
2. The information contained in the two contracts is highly proprietary confidential business information the disclosure of which would have a severe impact on the competitive interests of TECO Transport Corporation and Tampa Electric. As such, the information is entitled to confidential protection against public disclosure, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

3. This Notice of Intent will be followed up in a timely fashion by a full justification of the need for confidential treatment of these transportation storage and transfer agreements. A single copy of each agreement is being filed under separate confidential cover letter with the Commission Clerk.

4. This Notice of Intent along with the follow-up confidential justification are intended to serve as Tampa Electric's motion for temporary and permanent protective order pursuant to Rule 25-22.006(6), Florida Administrative Code.

DATED this 29<sup>th</sup> day of October 2003.

Respectfully submitted,



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LEE I. 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 Intent has been furnished by U. S. Mail or hand delivery (\*) on this 29<sup>th</sup> day of October 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  
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Ms. Vicki Gordon Kaufman  
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117 S. Gadsden Street  
Tallahassee, FL 32301

Mr. Robert Vandiver  
Associate Public Counsel  
Office of Public Counsel  
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Tallahassee, FL 32399-1400

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Mr. Ronald C. LaFace  
Mr. Seann M. Frazier  
Greenberg Traurig, P.A.  
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Mr. John T. Butler  
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200 South Biscayne Boulevard, Suite 4000  
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Mr. William Walker  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

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Florida Power & Light Company  
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Mr. John W. McWhirter, Jr.  
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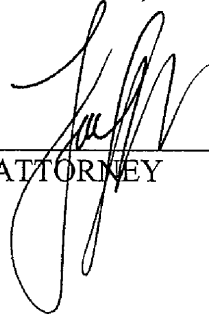
Ms. Susan Ritenour  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520

Mr. Jeffrey A. Stone  
Mr. Russell A. Badders  
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Mr. James J. Presswood, Jr.  
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427 Moreland Ave., NE; Suite 100  
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Mr. Michael B. Twomey  
Post Office Box 5256  
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Mr. Robert Scheffel Wright  
Mr. John T. LaVia, III  
Landers & Parsons, P.A.  
Post Office Box 271  
Tallahassee, FL 32302



A handwritten signature in black ink, appearing to read "John T. LaVia, III", is written over a horizontal line.

ATTORNEY