

State of Florida



ORIGINAL

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

RECEIVED - FPSC  
OCT 30 PM 3:39  
COMMISSION  
CLERK

**DATE:** October 30, 2003  
**TO:** Cochran Keating  
**FROM:** Roland Floyd *RF*  
**RE:** Recommendation on Request for Confidential Classification – Document No. 09804-03

On October 8, 2003, Tampa Electric Company requested confidential classification of certain of its answers to Seventh Set of Interrogatories (Nos. 81-123) of the Florida Public Service Commission Staff. Staff agrees with the request for confidential classification for the reasons stated in the justification provided by Tampa Electric Company.

Attachment

cc: Kay Flynn/Records and Hearing Services  
Harold McLean/General Counsel

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC   1
- OTH *Marquette*

DOCUMENT NUMBER-DATE  
10764 OCT 30 8  
FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

# Public Service Commission

## M-E-M-O-R-A-N-D-U-M

DATE: October 9, 2003

TO: OFFICE OF THE GENERAL COUNSEL  
DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT  
X DIVISION OF ECONOMIC REGULATION  
DIVISION OF AUDITING AND SAFETY

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 09804-03

DESCRIPTION: TECO/Beasley - (Confidential) Certain highlighted information in response to staff's 7th set of interrogatories, Nos. 81-123.

SOURCE: Tampa Electric Company

DOCKET NO(S): 030001-EI

The above material was received with a later filing of a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

Please read each of the following and check if applicable.

PAGE 2

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
- (a) Trade secrets;
  - (b) Internal auditing controls and reports of internal auditors;
  - (c) Security measures, systems, or procedures;
  - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
  - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
  - (f) Tax returns or tax-related information;
  - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Roland Flores

Date: 10/30/03

cc:  GCL       EXT  
 CMP       CCA  
 ECR       AUS  
 MMS

PSC/CCA 15 (Rev 11/02)

# 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

October 8, 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

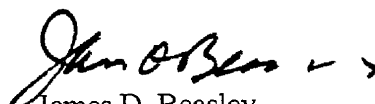
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa  
Electric Company's Request for Confidential Classification.

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

19803 OCT-8 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 8, 2003  
\_\_\_\_\_ )

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain highlighted information contained in certain of its Answers to Seventh Set of Interrogatories (Nos. 81-123) of the Florida Public Service Commission Staff (the "Confidential Information"). A single copy of the above interrogatory answers is being filed under a separate transmittal letter marked "Confidential" with the confidential information highlighted in yellow. Attached hereto as Exhibit "A" is a justification for designating the Confidential Information proprietary confidential business information under the above-referenced statute and rule.

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s.119.07(1) [requiring disclosure under the Public Records Act]." The proprietary confidential business information includes, but is not limited to:

(d) 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. (Section 366.093(3)(d), Florida Statutes)

2. Proprietary confidential business information also includes:

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the

provider of the information. (Section 366.093(3)(e), Florida Statutes)

3. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

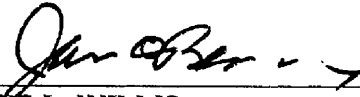
4. The material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

5. The request for confidential classification is intended to serve as Tampa Electric's motion for a protective order pursuant to Rule 25-22.006(6), Florida Administrative Code.

WHEREFORE, Tampa Electric respectfully requests that the highlighted Confidential Information set forth in its Answers to Staff's Seventh Set of Interrogatories (Nos. 81-123) be accorded confidential classification for the reasons set forth above.

DATED this 8<sup>th</sup> day of October 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 Request for Confidential Classification has been furnished by U. S. Mail or hand delivery (\*) on this 5<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  
St. Petersburg, FL 33733

Ms. Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, 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. Ronald C. LaFace  
Mr. Seann M. Frazier  
Greenberg Traurig, P.A.  
Post Office Drawer 1838  
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, 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

Mr. James J. Presswood, Jr.  
Southern Alliance for Clean Energy  
P.O. Box 1842  
Knoxville, TN 37901

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT  
OF HIGHLIGHTED PORTIONS OF ANSWERS TO  
SEVENTH SET OF INTERROGATORIES (NOS. 81-123)  
OF THE FLORIDA PUBLIC SERVICE COMMISSION STAFF**

Of Staff's Interrogatories Nos. 81-123, Tampa Electric seeks confidential treatment of the following portions of the following identified interrogatory for the rationale stated below:

| <u>Interrogatory No.</u>                      | <u>Detail</u>               | <u>Rationale</u> |
|---|-----------------------------|------------------|
| 81,82,83,84,96,97,111,<br>115,116,117 and 119 | The Highlighted Information | (1)              |
| 86 and 87                                     | The Highlighted Information | (2)              |
| 103   | The Highlighted Percentage  | (3)              |

- (1) Disclosure of the information in question would publish details concerning coal purchase and coal transportation rates and or information from which one could determine such rates, which disclosure would adversely affect Tampa Electric's interests under subsections (d) and (e) of Section 366.093(3), Florida Statutes. This would harm the competitive interests of Tampa Electric as well as its ability to contract for goods and services on favorable terms. Disclosure of this information would harm Tampa Electric's competitive interests in the coal supply market and the competitive interests of Tampa Electric's coal transportation affiliate, TECO Transport Corporation. As such, the information is entitled to confidential treatment pursuant to the above-referenced statute and rule.
- (2) Disclosure of this information would publish Tampa Electric's planned shipments of coal by shipment location for 2004. Public disclosure of this information would likely have severe repercussions on Tampa Electric in its efforts to procure coal inasmuch as potential suppliers could adjust their prices based on Tampa Electric's needs at particular dock locations. It could also adversely affect TECO Transport Corporation by disclosing to other potential shippers the extent to which TECO Transport's waterborne transportation capacity maybe available by dock location. As such, the information has a potential harmful effect to the competitive interests of Tampa Electric and TECO Transport as well as their ability to contract for goods and services on favorable terms.
- (3) Disclosure of the information in question would publicize the extent to which Tampa Electric plans to rely upon foreign coal sources. Disclosure of such information could adversely affect Tampa Electric's ability to negotiate for foreign coal purchases. As such, disclosure of this information is a threat to Tampa Electric Company's ability to negotiate for goods and services on favorable terms and its ability to compete in the foreign coal market.