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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

04 MAY 18 PM 4:46

In re: Review of Tampa Electric Company's waterborne transportation contract with TECO Transport and associated benchmark

) Docket No. 031033-EI
)
)
) Filed: May 18, 2004

COMMISSION CLERK

RESIDENTIAL ELECTRIC CUSTOMERS' NOTICE OF INTENT INTENT TO SEEK CONFIDENTIAL CLASSIFICATION

Catherine L. Claypool, Helen Fisher, William Page, Edward A. Wilson, Sue E. Strohm, Mary Jane Williamson, Betty J. Wise, Carlos Lissabet, and Lesly A. Diaz (the "Residential Electric Customers"), by and through their undersigned attorney, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby serve Notice of their Intent to Seek Confidential Classification of their Response to Order No. PSC-04-0498-PCO-EI requiring an In Camera Inspection of certain documents for which they are claiming privileges precluding the documents' presentation to Tampa Electric and other persons. In support of this notice, the Residential Electric Customers state as follows:

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- 1. On May 6, 2004 the Commission issued Order No. PSC-04-0498-PCO-EI, Order Requiring In Camera Inspection, which requires amongst other things, that the undersigned contact Commission counsel for the purpose of arranging an in camera inspection "of all materials withheld by the Residential Customers on the basis of privilege."
2. The attached letter to General Counsel Melson, dated May 17, 2004 and its attachments represent the sum total of materials being withheld on the claim of privilege.
3. Inasmuch as the documents and materials are being sought to be protected from disclosure of any kind to the parties in this case, and the public in general, on the basis of the

This docketed notice of intent was filed with Confidential Document No. 05702-04. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

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FPSC-COMMISSION CLERK

claimed privilege, it should be clear that they cannot become subject to examination pursuant to the Public Records Law lest the claimed privilege be for nothing.

4. The Residential Electric Customers consider the letter to Mr. Melson and all the attachments to it to be proprietary confidential business information within the meaning of Section 366.093(3), Florida Statutes. Disclosure of this information would be harmful to the Residential Electric Customers by disclosing communications protected from disclosure by the attorney-client or work-product privileges.

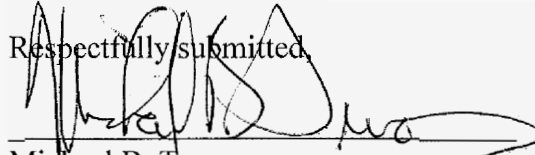
5. Per a telephone conversation with Mr. Melson of this date, the undersigned is providing the privileged materials to the Commission Clerk, accompanied by this Notice, with the understanding and expectation that (1) no copies of any of the materials will be made under any circumstances, (2) the materials will only be viewed by Chairman Baez, or his designee, for the purpose of ascertaining whether they are, in fact, privileged, (3) all the materials will be withheld from public disclosure, and (4) all the materials will be returned to the undersigned as soon as they have been examined in camera.

6. The submitted materials are not to be disclosed to the public or to any party to this docket irrespective of the fact that the Residential Electric Customers and the undersigned may have confidentiality agreements with other parties with respect to other discovery had in the case.

7. The Residential Electric Customers will follow this Notice of Intent with a formal request and justification for confidential treatment within the time allowed by rule, although the undersigned is of the strong expectation that the submitted materials will be viewed expeditiously so that no such formal request is necessitated.

DATED this 18<sup>th</sup> day of May, 2004.

Respectfully submitted,



Michael B. Twomey  
Attorney for Petitioner Residential  
Customers of Tampa Electric Company  
Post Office Box 5256  
Tallahassee, Florida 32314-5256  
Telephone: 850-421-9530

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of this petition has been served by U.S. Mail or email this 18th day of May, 2004 on the following:


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