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# ORIGINAL

June 7, 2004

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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: Review of Tampa Electric Company's waterborne transportation contract with  
TECO Transport and associated benchmark; FPSC Docket No. 031033-EI


Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa  
Electric Company's Motion for Reconsideration and Clarification of Order No. PSC-04-0544-CFO-  
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,

  
James D. Beasley

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_ JDB/pp  
GCL \_\_\_\_\_ Enclosure  
OPC \_\_\_\_\_ cc: All Parties of Record (w/enc.)  
MMS \_\_\_\_\_  
RCA \_\_\_\_\_  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's )  
Waterborne transportation contract with ) DOCKET NO. 031033-EI  
TECO Transport and associated benchmark. ) FILED: June 7, 2004  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S  
MOTION FOR RECONSIDERATION  
AND CLARIFICATION OF ORDER NO. PSC-04-0544-CFO-EI**

Tampa Electric Company ("Tampa Electric" or "the company") pursuant to Rule 25-22.0376, Florida Administrative Code, hereby moves the Commission for reconsideration and clarification of portions of Order No. PSC-04-0544-CFO-EI ("Order No. 04-0544") issued May 26, 2004 and, as grounds therefor, says:

**Requested Clarification**

1. On page 1 of 9 of Exhibit RFW-4 to Mr. Robert F. White's testimony only lines 3 through 6 are granted confidential treatment. Tampa Electric requests clarification that the reference is to lines 3 through 6 of the first paragraph in the body of the letter as being confidential. Technically lines 3 through 6 of the letter are witness Joann Wehle's title and business address which is not confidential information. Tampa Electric simply requests that the Commission clarify that the reference is to lines 3 through 6 of the first paragraph in the body of the letter.

**Requested Reconsideration**

2. Tampa Electric requests reconsideration of the denial of confidential treatment of certain information contained on page 2 of Mr. Majoros's prepared direct testimony, at lines 7, 9 and 12. The figure shown on line 7 in conjunction with the figure shown on line 9, if made

public, would allow one to back into Tampa Electric's confidential contractual rate for transportation services provided by TECO Transport. The calculation is straightforward:

Mr. Majoros's recommended rate is shown on line 9, and he states that this rate represents a certain percent reduction, listed on line 7, in the contractual rate Tampa Electric pays to TECO Transport, under the contract that took effect January 1, 2004.

Mr. Majoros's recommended rate shown on line 9 = (1 minus the percent shown on line 7) multiplied by (Contract rate).

Therefore,

Contract rate = (Mr. Majoros's recommended rate shown on line 9) divided by (1 minus the percent shown on line 7)

Even with rounding to the nearest percent, one can determine the contract rate to within a few cents per ton. Therefore, revealing both of these numbers will reveal Tampa Electric's contract rate with TECO Transport, and these values are competitive contractual information as stated in justification numbers (6), (9) and (10) shown in Attachment A to this order. [Note: The reference to justification number (8) for line number 9 is an error, and it should have read "(9)" instead of "(8)"].

3. The figure shown on line 12, in conjunction with the figure shown on line 9, also allows one to back into Tampa Electric's contractual rate for transportation services from TECO Transport, for the contract that took effect on January 1, 2004.

Mr. Majoros's recommended rate is shown on line 9, and he states that his rate demonstrates that the contractual rates are overcharging ratepayers by a number of million dollars annually, the figure shown on line 12. Given that the 5.5 million maximum annual tonnage under the contract is publicly known and was disseminated in the RFP, it is possible to derive the contractual rate.

Divide the figure shown on line 12 by the annual tonnage, and this gives the per ton amount that Mr. Majoros believes is being "overcharged." Adding this per ton amount to the figure on line 9, Mr. Majoros's recommended rate, shows the contract rate.

Again, rounding results in a small difference, but the difference is insignificant. One can determine the contract rate, to within a few cents per ton. Therefore, revealing both of these numbers will reveal Tampa Electric's contract rate with TECO Transport and these values are competitive contractual information as stated in justification numbers (6), (9) and (10) shown in Attachment A to this order. [Note: The reference to justification number (8) for line number 9 is an error, and it should have read "(9)" instead of "(8)".]

4. Therefore, the minimum redaction of material while protecting competitive confidential information required that the figure shown on line 9 be treated confidentially. Alternatively, if the figure on line 9 is not treated confidentially, the two numbers shown on lines 7 and 12 must both be treated confidentially to avoid revealing the contract rate.

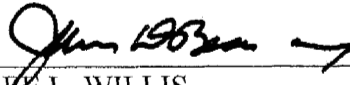
5. Tampa Electric also seeks reconsideration of the denial of confidential treatment with respect to Mr. Majoros's testimony at page 28, lines 1-2. These numbers must be treated consistently with the numbers shown on page 2, lines 7, 9 and 12, as explained in detail above. The figure on line 1 is the same as on page 2, line 7. As long as the figure on page 2, line 9, of Mr. Majoros's testimony is protected, this figure may be shown, as described above. The figure on page 28, line 2, of Mr. Majoros's testimony is the same figure shown in his testimony on page 2, line 9. It must be treated confidentially to avoid revealing the proprietary contract rate for transportation services TECO Transport provides to Tampa Electric.

6. Tampa Electric also seeks reconsideration with respect to the denial of confidential treatment of the information shown in Mr. Majoros's Exhibit MJM-5, page 1 of 8, column 8, row 4. The number shown in row 4 is the same as that shown on pages 2 and 28 and cannot be revealed without revealing the proprietary confidential contract rate, as explained above.

WHEREFORE, Tampa Electric Company requests that the Commission reconsider portions of its Order No. 04-0544 and to declare the above-referenced items of information constitute proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

DATED this 7<sup>th</sup> day of June 2004.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Reconsideration, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 7<sup>th</sup> day of June 2004 to the following:

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Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

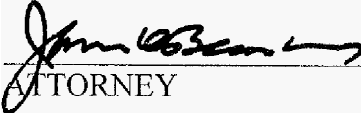
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