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ORIGINAL

November 12, 2004

HAND DELIVERED

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COMMISSION
CLERK

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. 040001-EI

CMP Dear Ms. Bayo:

COM Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa
CTR Electric Company's Request for Confidential Classification of portions of its answer to Staff's Fifth
ECR Set of Interrogatories (No. 23).

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

MMS Thank you for your assistance in connection with this matter.

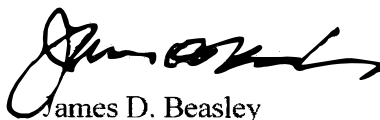
RCA

SCR

SEC

OTH *Conf records*

Sincerely,


James D. Beasley

JDB/pp
Enclosure

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

RECEIVED & FILED

BVN

FPSC-BUREAU OF RECORDS

~~DOCUMENT CHECKED~~ NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 040001-EI
Factor.) FILED: November 12, 2004
_____)

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 portions of its answers to the Florida Public Service Commission Staff’s Fifth Set of Interrogatories (No. 23). The confidential information in question appears on page 1 of 1 of the company’s answer to Interrogatory No. 23 (referred to as the “Confidential Information”). A single yellow highlighted copy of the Confidential Information was filed with a Notice of Intent to Seek Confidential Classification and Motion for Temporary Protective Order on October 27, 2004 in the above proceeding. 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.

WHEREFORE, Tampa Electric respectfully requests that the highlighted Confidential Information set forth in its Answers to Staff's Fifth Set of Interrogatories (No. 23) be accorded confidential classification for the reasons set forth above.

DATED this 12th day of November 2004.

Respectfully submitted,



JAMES D. BEASLEY
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(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Request for Confidential Classification, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 12th day of November 2004 to the following:

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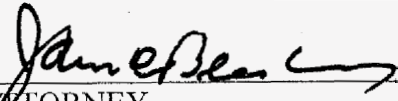
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ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF
HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC'S RESPONSES
TO STAFF'S FIFTH SET OF INTERROGATORIES (FILED OCTOBER 27, 2004)**

<u>Interrog. No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
23	All Yellow Highlighted Information	(1)

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- (1) The information in question discloses the name of the provider as well as contractual pricing and volumes of Tampa Electric's coal supply contracts. The information in question concerns contractual data, the disclosure of which would impair Tampa Electric's future efforts to contract for goods and services on favorable terms. The information could be used by coal suppliers to affect the price of coal that Tampa Electric will need to purchase in the future since the provider's bids might be influenced if they had knowledge of existing contract rates and volume. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093(3)(d) and (e), Florida Statutes.