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COMMISSION  
CLERK

November 19, 2004

HAND DELIVERED

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

040000-PU

Re: Complaint of Allied Universal Corporation and Chemical Formulators, Inc.  
against Tampa Electric Company: FPSC Docket No. 000061-EI

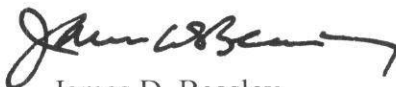
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Supplement to Request for Extension of 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 time and attention in this matter.

Sincerely,



James D. Beasley

Dir \_\_\_\_\_

COM \_\_\_\_\_

CTR \_\_\_\_\_

ECR 1

GCL 1 JDB/pp

OPC \_\_\_\_\_ Enclosure

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


RCA \_\_\_\_\_

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for violation of Sections 366.03, 366.06(2) and 366.07, Florida Statutes, with respect to rates offered under Commercial/Industrial Service Rider tariff; petition to examine and inspect confidential information; and request for expedited relief

DOCKET NO. 000061-EI  
FILED: November 19, 2004

**TAMPA ELECTRIC COMPANY'S  
SUPPLEMENT TO REQUEST  
FOR EXTENSION OF 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 supplements its October 20, 2004 request to extend the confidential classification of certain documents the Commission previously found to be entitled to protection against public disclosure, and says:

1. On October 20, 2004 Tampa Electric Company filed a Request for Extension of Confidential Classification of certain documents which the Commission had previously found to be entitled to protection against public disclosure. The documents in question are included in Attachment B to the Commission's April 22, 2003 Order No. PSC-03-0532-CFO-EI issued in this docket, a copy of which order was appended to the company's October 20 request.

2. The information contained in the documents that are the subject of Tampa Electric's pending request to extend confidential protection is protected by confidentiality commitments included in Commercial/Industrial Service Rider ("CISR") Agreements executed by and between Tampa Electric and Odyssey Manufacturing Co. ("Odyssey") on September 4,

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1998, and Tampa Electric and Allied Universal Corporation (“Allied”) on April 3, 2001. Each of the agreements contains the following provision (as paragraph 16 of the agreement with Odyssey and paragraph 18 of the agreement with Allied):

Confidentiality – The pricing levels and procedures described within this Agreement, as well as any information supplied by the Customer through an energy audit or as a result of negotiations or information requests by the Company and any information developed by the Company in connection therewith is considered confidential, proprietary information of the parties. If requested, such information shall be made available for review by the Commission and its staff only and such review shall be made under the confidentiality rules of the Commission.

3. The above referenced CISR agreements remain obligations of the parties thereto, notwithstanding the fact that Tampa Electric’s CISR tariff has been terminated. Each of these agreements is for a term commencing on the date the agreements were signed and thereafter for a period of 120 months – from January 1, 2000 in the case of Odyssey and from April 3, 2003 in the case of Allied. In view of the commitment of the parties to maintain the confidentiality of the information in question Tampa Electric urges the Commission to recognize those commitments and to refrain from allowing the information in question to be publicly disclosed for the duration of the agreements in which those commitments are made. This would require that the confidentiality of information relating to the Odyssey agreement be maintained through December 31, 2009 and that the information relating to the Allied agreement be treated confidentially through April 2, 2013.

4. Beyond the confidentiality commitments set forth in the above-reference CISR agreements, there are public policy considerations supporting the Commission’s continued confidential treatment of the information in question. All utilities have continuing opportunities to enter into agreements with individual customers and with other providers of goods and

services for the ultimate economic benefit of the general body of customers they serve. Often times potential parties to agreements that will ultimately benefit utility customers will refrain from entering into those agreements in the absence of some reliable assurance that the parties' proprietary confidential business information will be protected against public disclosure. The premature truncation of confidential treatment of information that is the subject of such confidentiality agreements would send the wrong signal to potential contract counterparties and perhaps dissuade them from entering into agreements that are beneficial to a utility's general body of ratepayers. Consequently, the public policy of encouraging agreements that benefit utility ratepayers generally as well as the existence of the confidentiality commitments in the Tampa Electric agreements with Odyssey and Allied collectively support the Commission's entry of an order extending confidential treatment of the information here in question through the duration of the two contracts described above.


WHEREFORE, Tampa Electric urges that the Commission enter its order to extend the confidential classification of the documents listed in Attachment B to Order No. 03-0532 for the full ten year terms of the two CISR agreements in which the parties made commitments to maintain the confidentiality of the information contained in those documents.

DATED this 19<sup>th</sup> day of November 2004.

Respectfully Submitted,

HARRY W. LONG, JR.  
Assistant General Counsel  
Tampa Electric Company  
Post Office Box 111  
Tampa, Florida 33601  
(813) 228-1702

and

  
\_\_\_\_\_  
LEE L. WILLIS  
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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 copy of the foregoing Supplement to Request for Extension of Confidential Classification, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 19<sup>th</sup> day of November 2004 to the following:

Ms. Martha Carter Brown\*  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850


Ms. Marlene K. Stern\*  
Staff Counsel  
Division of Legal Services  
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\_\_\_\_\_  
ATTORNEY

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