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STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)
OCT 5 AM 10:53
COMMISSION CLERK

Public Service Commission

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

DATE: October 5, 2005

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX _____ DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE
& CONSUMER ASSISTANCE

CMP _____ FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES
COM _____

CTR _____ RE: CONFIDENTIALITY OF CERTAIN INFORMATION

ECR _____ DOCUMENT NO(s): 09448-05

GCL _____ DESCRIPTION: TECO (Beasley) - (CONFIDENTIAL) Certain highlighted
OPC _____ information contained in portions of its answers to staff's 5th set
RCA _____ of interrogatories (Nos. 51, 65, and 69).

SCR _____

SGA _____

SEC 1 SOURCE: Tampa Electric Company

OTH Lockard DOCKET NO(S): 050001-EI

The above material was received with a filing of a request for confidential classification and for a protective order. 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.

DOCUMENT NUMBER-DATE

09576 OCT-6 05

FPSC-COMMISSION CLERK

Please read each of the following and check if applicable.

- 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: Bernard Williams

Date: 10-5-05

cc: GCL FLL
 CMP CCA
 ECR RCA
 MMS

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 4, 2005

HAND DELIVERED

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. 050001-EI

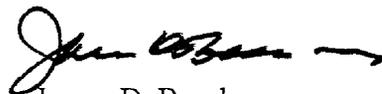
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification and for a Protective Order of portions of its answers to Staff's Fifth Set of Interrogatories (Nos. 17-69).

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.)

05 OCT -5 PM 1:07
COMMUNICATION

DOCUMENT NUMBER-DAT

09447 OCT-4 05

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 050001-EI
Factor.) FILED: October 4, 2005
_____)

REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND FOR A PROTECTIVE ORDER

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 (Nos. 17-69). The confidential information in question appears on page 1 of 1 of the company’s answer to Interrogatory No. 51; page 1 of 1 of Interrogatory No. 65; and page 1 of 1 of Interrogatory No. 69 (referred to as the “Confidential Information”). A single yellow highlighted copy of the Confidential Information contained in Interrogatory Nos. 51, 65 and 69 are being separately filed with the Commission this date. This request is also intended to serve as a request for a protective order, within the contemplation of Rule 25-22.006(6)(b), Florida Administrative Code, such that it will protect the Confidential Information from public disclosure while in the possession of the Office of Public Counsel. 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 (Nos. 17-69) and Second Production of Documents (Nos. 3-16) be accorded confidential classification for the reasons set forth above.

DATED this 4th day of October 2005.

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, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 4th day of October 2005 to the following:

Ms. Adrienne E. Vining*
Senior Attorney
Office of General Counsel
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

Mr. Gary V. Perko
Hopping Green & Sams P.A.
P.O. Box 6526
Tallahassee, FL 32314

Mr. Timothy J. Perry
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Tallahassee, FL 32399-1400

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Mr. R. Wade Litchfield
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408-0420

Ms. Susan Ritenour
Secretary and Treasurer
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

Mr. Jeffrey A. Stone
Mr. Russell A. Badders
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Mr. Jon C. Moyle, Jr.
Moyle, Flanigan, Katz, Raymond &
Sheehan, P.A.
118 N. Gadsden Street
Tallahassee, FL 32301

Mr. Robert Scheffel Wright
Mr. John T. LaVia, III
Landers & Parsons, P.A.
310 West College Avenue
Tallahassee, FL 32301

Mr. Mark Hoffman
Legal Department
CSX Transportation
500 Water Street, 14th Floor
Jacksonville, FL 32202



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO
STAFF'S FIFTH SET OF INTERROGATORIES (NOS. 17-69)**

<u>Bates Stamp Page No.</u>	<u>Interrogatory No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
39	51 (Page 1 of 1)	The Highlighted Dollar Amount	(1)
53	65 (Page 1 of 1)	All Highlighted Dollar Amounts	(1)
57	69 (Page 1 of 1)	The Highlighted Information	(1)

- (1) The information in question is entitled to confidential treatment as confidential proprietary business information pursuant to Section 366.093(3)(d) and (e), Florida Statutes. The information is a privately negotiated price or substantive term or condition of a contract between Tampa Electric and one of its coal suppliers. Public dissemination of this privately negotiated contract price or substantive contract term or condition would adversely affect Tampa Electric in future coal supply contract negotiations in that it would provide all potential bidders with knowledge as to what price, terms or conditions Tampa Electric will agree to include in a coal supply agreement. This would assist potential bidders in proposing a contract price or contract terms and conditions most advantageous to the bidder and disadvantageous to Tampa Electric and its customers. As such, this information meets the statutory definition of information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility to contract for goods or services on favorable terms. Moreover, it is information relating to competitive interests, the disclosure of which would impair the competitive business of Tampa Electric, entitling the information to confidential treatment under Section 366.093(3)(e), Florida Statutes.