

ORIGINAL

STATE OF FLORIDA

COMMISSIONERS:
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J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
LISA POLAK EDGAR



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYO
DIRECTOR
(850) 413-6770 (CLERK)
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RECEIVED-FPSC

NOV -3 AM 11:11

COMMISSION
CLERK

05 OCT 02 PM 5:27
ECONOMIC REGULATION

Public Service Commission

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

DATE: November 1, 2005

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

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

CMP _____ DOCUMENT NO(s): 10509-05
COM _____ DESCRIPTION: TECO (Beasley) - (CONFIDENTIAL) Answers to staff's 8th set of
CTR _____ interrogatories (Nos. 90, 92, 97-100).
ECR _____
GCL _____
OPC _____ SOURCE: Tampa Electric Company
RCA _____
SCR _____ DOCKET NO(S): 050001-EI

SGA _____ The above material was received with a filing of a request for confidential
SEC 1 classification and for a protective order. Please prepare a recommendation for the attorney
LOK 11/2/05 assigned to the case by completing the section below and forwarding a copy of this
OTH _____ 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.

Please read each of the following and check if applicable.

DOCUMENT NUMBER-DATE

10685 NOV-3 '05

FPSC-COMMISSION CLERK

- 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 Windham

Date: 11-1-05

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 31, 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

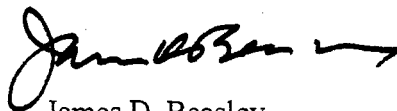
Dear Ms. Bayo:

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 Eighth Set of Interrogatories (Nos. 81-110).

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.)

DOCUMENT NUMBER-DATE

10508 OCT 31 05

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive)
Factor.)
_____)

DOCKET NO. 050001-EI
FILED: October 31, 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 Eighth Set of Interrogatories (Nos. 81-110). The confidential information in question appears on Bates stamp page 23 of the company's answer to Interrogatory No. 90; Bates stamp page 25 of the company's answer to Interrogatory No. 92; Bates stamp page 32 of the company's answer to Interrogatory No. 97; Bates stamp page 33 of the company's answer to Interrogatory No. 98; Bates stamp page 34 of the company's answer to Interrogatory 99; and Bates stamp page 35 and 36 of the company's answer to Interrogatory No. 100 (referred to as the "Confidential Information"). A single yellow highlighted copy of the Confidential Information contained in Interrogatory Nos. 90, 92 and 97-100 is 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 and the Florida Industrial Power Users Group. 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.

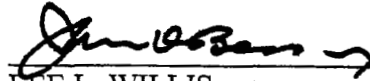
4. The material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

5. The request for confidential classification is intended to serve as Tampa Electric’s motion for a protective order pursuant to Rule 25-22.006(6), Florida Administrative Code.

WHEREFORE, Tampa Electric respectfully requests that the highlighted Confidential Information set forth in its Answers to Staff’s Eighth Set of Interrogatories (Nos. 90, 92 and 97-100) be accorded confidential classification for the reasons set forth above.

DATED this 31st 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 31st 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.
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Mr. Timothy J. Perry*
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Mr. John W. McWhirter, Jr.
McWhirter, Reeves & Davidson, P.A.
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Tampa, FL 33601-5126

Ms. Patricia A. Christensen*
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Office of Public Counsel
111 West Madison Street – Room 812
Tallahassee, FL 32399-1400

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Messer Caparello & Self
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Tallahassee, FL 32302

Ms. Cheryl Martin
Florida Public Utilities Company
P. O. Box 3395
West Palm Beach, FL 33402-3395

Mr. John T. Butler
Squire, Sanders & Dempsey, L.L.P.
200 South Biscayne Boulevard
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Miami, FL 33131-2398

Mr. William Walker
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

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
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32591-2950

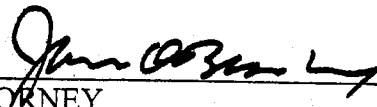
Mr. Jon C. Moyle, Jr.
Moyle, Flanigan, Katz, Raymond &
Sheehan, P.A.
118 N. Gadsden Street
Tallahassee, FL 32301

Mr. Robert Scheffel Wright
Mr. John T. LaVia, III
Landers & Parsons, P.A.
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Mr. Mark Hoffman
Legal Department
CSX Transportation
500 Water Street, 14th Floor
Jacksonville, FL 32202

Lieutenant Colonel Karen White
Major Craig Paulson
AFCESA/ULT
139 Barnes Drive
Tyndall Air Force Base, FL 32403

Mr. Michael B. Twomey
Post Office Box 5256
Tallahassee, FL 32314-5256



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO
STAFF'S EIGHTH SET OF INTERROGATORIES (NOS. 81-110)**

<u>Bates Stamp Page No.</u>	<u>Interrogatory No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
23	90 (Page 1 of 1)	The Highlighted Information	(1)
25	92 (Page 1 of 3)	The Highlighted Information	(1)
32	97 (Page 1 of 1)	The Highlighted Information	(1)
33	98 (Page 1 of 1)	The Highlighted Information	(1)
34	99 (Page 1 of 1)	The Highlighted Information	(1)
35	100 (Page 1 of 2)	The Highlighted Information	(1)
36	100 (Page 2 of 2)	The Highlighted Numbers	(1)

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- (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 in question was contained in sealed bids which the bidders requested be kept confidential. Public disclosure of the information in question contrary to the request of the bidders would harm Tampa Electric in that it would discourage the bidders from bidding on future contracts with Tampa Electric. This would reduce the pool of potential bidders thereby reducing competition for lower prices.