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May 9, 2008

HAND DELIVERED

RECEIVED-FPSC  
08 MAY -9 PM 2:33  
COMMISSION  
CLERK

Ms. Ann Cole, Director  
Division of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance  
Incentive Factor; FPSC Docket No. 080001-EI

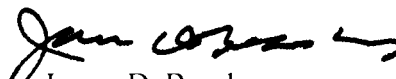
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Motion for Temporary Protective Order of certain Commission Staff audit report pages and working papers pertaining to its fuel cost recovery clause audit of Tampa Electric Company (Audit Control No. 08-003-2-2).

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 2  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL 1  
OPC \_\_\_\_\_ JDB/pp  
RCA 1 Enclosure  
SCR \_\_\_\_\_ cc: All Parties of Record (w/enc.)  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
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DOCUMENT NUMBER-DATE

03895 MAY-9 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery )  
Clause with Generating Performance Incentive ) DOCKET NO. 080001-EI  
Factor. ) FILED: May 9, 2008  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S  
MOTION FOR TEMPORARY 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 moves the Commission for entry of a temporary protective order protecting from public disclosure certain Commission Staff audit report pages and working papers and, as grounds therefor, says

1. On April 25, 2008 Tampa Electric Company submitted its Request for Confidential Treatment of sensitive proprietary information set forth in the Staff's audit report and related working papers pertaining to its fuel cost recovery clause audit of Tampa Electric for 2007.

2. On May 8, 2008 Office of Public Counsel submitted a letter to the Office of Commission Clerk requesting copies of certain documents filed in the above docket including the following items which were the subject of Tampa Electric's April 25, 2008 Request for Confidential Treatment:

02666-08 04/07/2008 RCA/Vandiver – (CONFIDENTIAL) Pg 5 of audit report (Vol 3 of 4) for TECO, for fuel cost recovery clause audit for 2007 (Audit Control No. 08-003-2-2).

02652-08 04/07/2008 RCA/Vandiver – (CONFIDENTIAL) Working papers Vol 4 of 4 for TECO, for fuel cost recovery clause audit for 2007 (Audit Control No. 08-003-2-2).

02651-08 04/07/2008 RCA/Vandiver – (CONFIDENTIAL) Working papers Vol 3 of 4 for TECO, for fuel cost recovery clause audit for 2007 (Audit Control No. 08-003-2-2).

DOCUMENT NUMBER-DATE

03895 MAY-9 8

FPSC-COMMISSION CLERK

Attached hereto as Exhibit "A" is a copy of OPC's May 8, 2008 request.

3. OPC's May 3, 2008 request states:

By this request, OPC agrees to treat this information as confidential, and thus exempt from Section 119.70(1), Florida Statutes. We will also comply with Rule 25-22.006, Florida Administrative Code, which addresses the treatment of confidential information.

4. In order to insure that the information relating to Tampa Electric requested by OPC is entitled to confidential treatment pursuant to Rule 25-22.006, Florida Administrative Code, Tampa Electric files this its Motion seeking a temporary order with respect to the requested documents. In that regard, Rule 25-22.006(6)(c), Florida Administrative Code, states:

(c) When a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from Section 119.70(1), Florida Statutes. . . .

5. Consistent with the quoted provision of the Commission's rule and OPC's commitment in its May 8, 2008 document request letter, this Motion will afford OPC the requested access to the requested documents and at the same time protect the confidential nature of the documents OPC seeks to review.

6. In support of this Motion Tampa Electric incorporates by reference the justifications for confidential treatment set forth in its April 25, 2008 Request for Confidential Treatment of the audit related materials included in OPC's three documents listed above.

WHEREFORE, Tampa Electric Company submits the foregoing as its Motion for Temporary Protective Order relating to the three documents listed above in OPC's May 8, 2008 document request.

DATED this 9<sup>th</sup> day of May 2008.

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 Motion for Temporary Protective Order has been furnished by U. S. Mail or hand delivery (\*) on this 9<sup>th</sup> day of May 2008 to the following:

Ms. Lisa Bennett\*  
Staff Attorney  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. John T. Burnett  
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Mr. Paul Lewis, Jr.  
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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  
Associate Public Counsel  
Office of Public Counsel  
111 West Madison Street – Room 812  
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Mr. Norman Horton  
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Tallahassee, FL 32317

Mr. Mehrdad Khojasteh  
Florida Public Utilities Company  
P. O. Box 3395  
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Pensacola, FL 32520-0780

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Mr. Russell A. Badders  
Mr. Steven R. Griffin  
Beggs & Lane  
Post Office Box 12950  
Pensacola, FL 32591-2950

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Mr. John T. LaVia, III  
Young van Assenderp, P.A.  
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Mr. Michael B. Twomey  
Post Office Box 5256  
Tallahassee, FL 32314-5256

Karen S. White, Lt Col, USAF  
Damund E. Williams, Capt., USAF  
AFLSA/JACL-ULT  
139 Barnes Drive, Suite 1  
Tyndall Air Force Base, FL 32403-5319

Ms. Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

Mr. James W. Brew  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, D.C. 20007-5201

  
\_\_\_\_\_  
ATTORNEY

KEN PRUITT  
President

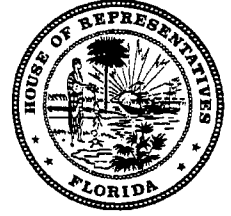


J. R. Kelly  
Public Counsel

STATE OF FLORIDA  
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE  
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MARCO RUBIO  
Speaker



Patricia W. Merchant, C.P.A.  
Senior Legislative Analyst  
merchant.tricia@leg.state.fl.us

May 8, 2008

Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket 080001-EI, Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor - Citizen's Request for Copies of Confidential Documents.

Dear Ms. Cole:

By this letter, I am requesting copies of the following confidential document filed in the above-referenced docket. By this request, OPC agrees to treat this information as confidential, and thus exempt from Section 119.70(1), Florida Statutes. We will also comply with Rule 25-22.006, Florida Administrative Code, which addresses the treatment of confidential information.

The following documents are requested:

03076-08 04/18/2008 RCA/Vandiver - (CONFIDENTIAL) Pages 6 and 7 of audit report for TECO, for 2007 hedging activities (Audit Control No. 07-353-2-2).

03075-08 04/18/2008 RCA/Vandiver - (CONFIDENTIAL) Working papers Vol 2 of 2 for TECO, for 2007 hedging activities (Audit Control No. 07-353-2-2).

03018-08 04/16/2008 RCA/Vandiver - (CONFIDENTIAL) Working papers Vol 2 of 2 for Progress, for 2007 hedging activities (Audit Control No. 07-353-2-1).

02666-08 04/07/2008 RCA/Vandiver - (CONFIDENTIAL) Pg 5 of audit report (Vol 3 of 4) for TECO, for fuel cost recovery clause audit for 2007 (Audit Control No. 08-003-2-2).

02652-08 04/07/2008 RCA/Vandiver - (CONFIDENTIAL) Working papers Vol 4 of 4 for TECO, for fuel cost recovery clause audit for 2007 (Audit Control No. 08-003-2-2).

DOCUMENT NUMBER-DATE

03895 MAY-98

FPSC-COMMISSION CLERK

Exhibit "A"

Letter to Ann Cole  
May 8, 2008  
Page 2

02651-08 04/07/2008 RCA/Vandiver - (CONFIDENTIAL) Working papers Vol 3 of 4 for TECO, for fuel cost recovery clause audit for 2007 (Audit Control No. 08-003-2-2).

03777-08 05/07/2008 RCA/Vandiver - (CONFIDENTIAL) Working papers Vol 4 of 4 for FPL, for fuel price hedging costs (Audit Control No. 07-353-4-1).

03776-08 05/07/2008 RCA/Vandiver - (CONFIDENTIAL) Working papers Vol 3 of 4 for FPL, for fuel price hedging costs (Audit Control No. 07-353-4-1).

03774-08 05/07/2008 RCA/Vandiver - (CONFIDENTIAL) Working papers Vol 2 of 2 for GPC, for 2007 hedging activities (Audit Control No. 07-353-1-1).

Thank you in advance and please contact me by phone or e-mail when the copies are available for pick-up or if any further information is requested.

Respectfully submitted,

s/ Patricia W. Merchant  
Patricia W. Merchant  
Senior Legislative Analyst

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400  
(850) 487-8245  
[merchant.tricia@leg.state.fl.us](mailto:merchant.tricia@leg.state.fl.us)

c: Division of Regulatory Compliance & Consumer Assistance (Vandiver)  
Division of Economic Regulation (McNulty, Lester)  
Office of the General Counsel (Bennett)  
Office of Public Counsel (Beck, Burgess, McGlothlin, Christensen)  
Tampa Electric Company (Beasley)  
Progress Energy Florida (Burnett)  
Florida Power & Light (Smith)  
Gulf Power Company (Stone)