

# AUSLEY & McMULLEN

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REDACTED

August 15, 2008

HAND DELIVERED

RECEIVED-FPSC  
08 AUG 15 AM 10:34  
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 fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order pertaining to Tampa Electric's Natural Gas Risk Management Activities Report for the period January through July 2008.

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

COM \_\_\_\_\_

ECR \_\_\_\_\_ JDB/pp

GCL 3 \_\_\_\_\_ Enclosure

OPC \_\_\_\_\_

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

SSC \_\_\_\_\_

SGA \_\_\_\_\_

ADM \_\_\_\_\_

CLK \_\_\_\_\_

DOCUMENT NUMBER-DATE

07319 AUG 15 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 080001-EI  
FILED: August 15, 2008

**TAMPA ELECTRIC COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
AND 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 request confidential classification of the yellow highlighted information contained in the following described document(s) stamped "CONFIDENTIAL" and all information that is or may be printed on yellow paper stock stamped "CONFIDENTIAL" within the following described document(s), all of said confidential information being hereinafter referred to as "Confidential Information."

**Description of Document(s)**

Report entitled "Tampa Electric Natural Gas Risk Management Activities January through July 2008" consisting of one page. In support of this request, the company states:

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be propriety confidential business information shall be kept confidential and shall be exempt from s. 119.07(1), Florida Statutes [requiring disclosure under the Public Records Act]." Proprietary confidential business information includes, but is not limited to "[i]nformation concerning . . . 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."

DOCUMENT NUMBER-DATE

07319 AUG 15 08

FPSC-COMMISSION CLERK

Subsection 366.093(3)(d), Florida Statutes. Proprietary confidential business information also includes “[i]nformation 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. The Confidential Information that is the subject of this request and motion falls within the statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

2. Attached hereto as Exhibit "A" is a justification for confidential treatment of the Confidential Information contained in the above-described document(s).

3. Attached hereto as Exhibit "B" are two public versions of the above-described documents with the Confidential Information redacted.

4. The Confidential Information contained in the above-described document(s) is intended to be and is treated by Tampa Electric as private and has not been publicly disclosed.

5. For the same reasons set forth herein in support of its request for confidential classification, Tampa Electric also moves the Commission for entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

**Requested Duration of Confidential Classification**

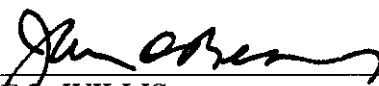
6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the company is in need of confidential classification of the Confidential Information beyond the 18

month period set forth in the Commission rule, the justification and grounds for such extended confidential treatment are set forth in Exhibit "C" to this request and motion.

WHEREFORE, Tampa Electric Company respectfully requests that the Confidential Information that is the subject of this request and motion be accorded confidential classification for the reasons set forth herein and for a minimum period of 18 months, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion.

DATED this 15<sup>th</sup> day of August, 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 Request for Confidential Classification has been furnished by U. S. Mail or hand delivery (\*) on this 15<sup>th</sup> day of August

2008 to the following:

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

Mr. John T. Burnett  
Associate General Counsel  
Progress Energy Service Co., LLC  
Post Office Box 14042  
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Mr. Paul Lewis, Jr.  
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106 East College Avenue  
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Mr. John W. McWhirter, Jr.  
McWhirter Reeves & Davidson, P.A.  
Post Office Box 3350  
Tampa, FL 33601-3350

Ms. Patricia A. Christensen  
Associate Public Counsel  
Office of Public Counsel  
111 West Madison Street – Room 812  
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Tallahassee, FL 32317

Mr. Mehrdad Khojasteh  
Florida Public Utilities Company  
P. O. Box 3395  
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Mr. John T. Butler  
Senior Attorney  
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Juno Beach, FL 33408-0420

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Florida Power & Light Company  
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Secretary and Treasurer  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

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

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Tallahassee, FL 32301

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Tallahassee, FL 32314-5256

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Damund E. Williams, Capt., USAF  
AFLSA/JACL-ULT  
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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

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT  
OF HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC'S  
REPORT ENTITLED "TAMPA ELECTRIC NATURAL GAS RISK  
MANAGEMENT ACTIVITIES JANUARY THROUGH JULY 2008"**

<b><u>Document Description</u></b>	<b><u>Page No. or Bates Page No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
One Page Report	Bates Page No. 1	All highlighted information	(1)

- 
- (1) The information contained on the listed page contains hedged fuel prices mark-to-market savings or losses, hedged volumes of natural gas and hedging percentages, all of which types of information have been recognized by the Commission on numerous occasions to constitute proprietary confidential business information, the disclosure of which would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms and, likewise, the disclosure of which would be harmful to the competitive interests of Tampa Electric. See, for example, Order Nos. PSC-07-0859-CFO-EI and PSC-07-0860-CFO-EI. This is specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law.

**Tampa Electric  
 Natural Gas Risk Management Activities  
 January through July 2008**

	Type of Hedge	Mark-to-Market Saving/(Loss)	Hedged Volume (MMBTU)	Consumption (MMBTU)	Percent Hedged	Budget Price	Hedge Price	Settle Price
Jan-08	Swaps			4,952,279				\$ 7.17
Feb-08	Swaps			3,531,736				\$ 8.00
Mar-08	Swaps			2,774,327				\$ 8.93
Apr-08	Swaps			4,573,838				\$ 9.58
May-08	Swaps			6,103,368				\$ 11.28
Jun-08	Swaps			5,873,024				\$ 11.92
Jul-08	<sup>1</sup> Swaps			4,583,176				\$ 13.11
<b>Total</b>		<b>\$ 47,504,200</b>		<b>\$ 32,391,748</b>				

<sup>1</sup> Preliminary. Actual data will be included in true-up filing.

Note: In July 2008, coal-fired generation was greater than expected, and load was less than expected. Therefore, the natural gas units were used less than projected, and the resulting percent hedged was higher than expected.



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## **REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION**

Tampa Electric requests that the Confidential Information that is the subject of this request be treated as proprietary confidential business information exempt from the Public Records Law for a minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefore is set forth below:

Tampa Electric requests that the Confidential Information that is the subject of this request be treated by the Commission as confidential proprietary business information for a minimum of three years. The data in question provides detailed hedging strategies and actions, many of which are of a continuing nature and which could well be in place beyond the standard 18 month period that confidential information is treated as such by the Commission. The information in question would disclose the company's risk management strategies by making public the hedged prices Tampa Electric has settled on. Disclosing this type of information sooner than three years after it is submitted would arm would-be suppliers of goods and services, as well as competitors of Tampa Electric, with key components of the company's risk management strategies. A minimum of three years is essential to prevent those entities in the fuel and purchased power markets from having access to information they could use to the competitive disadvantage of Tampa Electric, which would increase the fuel and purchased power costs borne by Tampa Electric's customers.

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: August 15, 2008

TO: James D. Beasley, Ausley Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080001 or, if filed in an undocketed matter, concerning highlighted information pertaining to TECO's Natural Gas Risk Management Activities Report for period January through July 2008, and filed on behalf of Tampa Electric. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE  
07320 AUG 15 08  
FPSC - COMMISSION CLERK

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