

AUSLEY & McMULLEN

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April 19, 2010

HAND DELIVERED

RECEIVED-FPSC
10 APR 19 PM 2:22
COMMISSION
CLERK

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

Re: Petition for approval of solar energy power purchase agreement between Tampa Electric Company and Energy 5.0 LLC; FPSC Docket No. 090109-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 regarding portions of its answers to Staff's Fourth Set of Interrogatories (No. 83).

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

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APA _____
ECR _____
GCL 1 _____
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of solar energy)
power purchase agreement between Tampa)
Electric Company and Energy 5.0 LLC.)
_____)

DOCKET NO. 090109-EI

FILED: April 19, 2010

**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) ("the Document(s)") stamped "CONFIDENTIAL" and all information that is or may be printed on yellow paper stock stamped "CONFIDENTIAL" within the Document(s), all of said confidential information being hereinafter referred to as "Confidential Information."

Description of the Document(s)

Tampa Electric's answer to the Florida Public Service Commission Staff's Fourth Set of Interrogatories (No. 83), a single copy of which is being simultaneously filed with the Commission on a confidential basis under a separate transmittal letter. Bates Stamp page 5 contains certain information ("Confidential Information") highlighted in yellow. 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.” 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 Document(s).

3. Attached hereto as Exhibit "B" are two public versions of the Document(s) with the Confidential Information redacted, unless previously filed as indicated.

4. The Confidential Information contained in the 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. The company further moves for the entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

DATED this 19th day of April, 2010.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

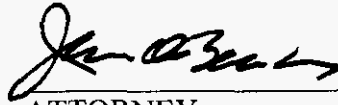
I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification and Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 19th day of April, 2010 to the following:

Mr. Erik Saylor *
Senior Attorney
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Robert Scheffel Wright
Mr. John T. LaVia, III
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, FL 32301

Mr. Richard Zambo
2336 S.E. Ocean Blvd. - #309
Stuart, FL 34996

Energy 5.0, LLC
1601 Forum Place, Suite 1010
West Palm Beach, FL 33401



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT
OF CONFIDENTIAL INFORMATION CONTAINED I
TAMPA ELECTRIC'S RESPONSES TO STAFF'S FOURTH
SET OF INTERROGATORIES (FILED APRIL 19, 2010)**

<u>Interrog. No.</u>	<u>Bates Stamp Page No.</u>	<u>Description</u>	<u>Rationale</u>
83	5	The yellow highlighted information	(1)

- (1) The information contained on the listed page contains the proprietary analysis of Tampa Electric Company. The information on the listed page contains information about the contract terms and confidential rate of the purchase power agreement between Tampa Electric and Energy 5.0 LLC. This information is competitive contractual information, the disclosure of which would be harmful to the position of Energy 5.0 LLC in negotiating future contracts with other clients. Some of the information could be considered in the same nature as a trade secret owned by Tampa Electric. It is also in the nature of information relating to competitive interests, the disclosure of which would impair the company's ability to pursue strategic plans not known by competitive business interests. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), Florida Statutes.

PUBLIC VERSION(S) OF THE DOCUMENT(S)

Attached hereto (unless previously filed as may be noted below) are two public versions of the Document(s) with the Confidential Information redacted.

Public Version(s) of the Document(s) attached X

Public Version(s) of the Document(s) previously filed on _____

Exhibit "B"

Year	Energy 5.0 PPA Energy	Energy 5.0 Annual Fixed Price	Energy 5.0 Total	Annual NPV 2011	Cumulative NPV	Energy 5.0 PPA Energy	Jacksonville Solar LLC Annual Fixed Price	Jacksonville Solar LLC Total	Annual NPV 2011	Cumulative NPV	Difference between Energy 5.0 and Jacksonville Solar
	(MWh)	(\$/MWh)	\$(000)	\$(000)	\$(000)	(MWh)	(\$/MWh)	\$(000)	\$(000)	\$(000)	\$(000)
2010	0	0.00	0	0	0	0	158.20	0	0	0	0
2011	48,250					48,250	162.55	7,843	7,843	7,843	
2012	48,380					48,380	167.02	8,080	7,482	15,325	
2013	48,250					48,250	171.61	8,280	7,100	22,425	
2014	48,250					48,250	176.33	8,508	6,755	29,180	
2015	48,250					48,250	181.18	8,742	6,427	35,607	
2016	48,380					48,380	186.16	9,006	6,131	41,739	
2017	48,250					48,250	191.28	9,229	5,818	47,557	
2018	48,250					48,250	196.54	9,483	5,536	53,092	
2019	48,250					48,250	201.95	9,744	5,267	58,359	
2020	48,380					48,380	207.50	10,039	5,025	63,384	
2021	48,250					48,250	213.21	10,287	4,768	68,152	
2022	48,250					48,250	219.07	10,570	4,536	72,688	
2023	48,250					48,250	225.10	10,861	4,316	77,004	
2024	48,380					48,380	231.29	11,190	4,118	81,122	
2025	48,250					48,250	237.65	11,467	3,907	85,029	
2026	48,250					48,250	244.18	11,782	3,717	88,747	
2027	48,250					48,250	250.90	12,106	3,537	92,284	
2028	48,380					48,380	257.80	12,472	3,374	95,658	
2029	48,250					48,250	264.89	12,781	3,202	98,860	
2030	48,250					48,250	272.17	13,132	3,046	101,906	
2031	48,250					48,250	279.66	13,494	2,898	104,805	
2032	48,380					48,380	287.35	13,902	2,765	107,570	
2033	48,250					48,250	295.25	14,246	2,624	110,194	
2034	48,250					48,250	303.37	14,638	2,496	112,690	
2035	48,120					48,120	311.71	14,999	2,369	115,059	
2036	0	0.00	0	0		0	311.71	0	0	115,059	0
2037	0	0.00	0	0		0	311.71	0	0	115,059	0
2038	0	0.00	0	0		0	311.71	0	0	115,059	0
2039	0	0.00	0	0		0	311.71	0	0	115,059	0
2040	0	0.00	0	0		0	311.71	0	0	115,059	0

Notes:
 Comparison based on contract energy rate.
 Interconnection costs not included in comparison.
 Discount rate used was 7.99%.

**TAMPA ELECTRIC COMPANY
DOCKET NO. 090109-EI
STAFF'S FOURTH SET OF INTERROGATORIES
INTERROGATORY NO. 83
PAGE 2 OF 2
FILED: APRIL 19, 2010**

Year	Energy 5.0 PPA Energy	Energy 5.0 Annual Fixed Price	Energy 5.0 Total	Annual NPV 2011	Cumulative NPV	Energy 5.0 PPA Energy	Jacksonville Solar LLC Annual Fixed Price	Jacksonville Solar LLC Total	Annual NPV 2011	Cumulative NPV	Difference between Energy 5.0 and Jacksonville Solar
	(MWh)	(\$/MWh)	\$(000)	\$(000)	\$(000)	(MWh)	(\$/MWh)	\$(000)	\$(000)	\$(000)	\$(000)
2010	0	0.00	0	0	0	0	158.20	0	0	0	0
2011	48,250					48,250	162.55	7,843	7,843	7,843	
2012	48,380					48,380	167.02	8,080	7,482	15,325	
2013	48,250					48,250	171.61	8,280	7,100	22,425	
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2036	0	0.00	0	0		0	311.71	0	0	115,059	0
2037	0	0.00	0	0		0	311.71	0	0	115,059	0
2038	0	0.00	0	0		0	311.71	0	0	115,059	0
2039	0	0.00	0	0		0	311.71	0	0	115,059	0
2040	0	0.00	0	0		0	311.71	0	0	115,059	0

Notes:
Comparison based on contract energy rate.
Interconnection costs not included in comparison.
Discount rate used was 7.99%.

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 therefor is set forth below:

n/a

STATE OF FLORIDA

COMMISSIONERS:
NANCY ARGENZIANO, CHAIRMAN
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: April 19, 2010

TO: James Beasley

FROM: Diamond Williams, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090109-EI or, if filed in an undocketed matter, concerning Petition for approval of solar energy power purchase agreement, and filed on behalf of Tampa Electric Company And Energy. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
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