

AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

RECEIVED- FPSC
12 AUG - 1 PM 3: 57
COMMISSION
CLERK

August 1, 2012

HAND DELIVERED

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

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

For DN 05211-12, which
is in locked storage. You must be
authorized to view this DN.-CLK

Re: Petition for approval of new environmental program for cost recovery through
Environmental Cost Recovery Clause by Tampa Electric Company;
Docket No. 110262-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 responses to Staff's Fourth Data Request also filed this date.

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: Charles Murphy (w/enc.)

COM	_____
AFD	II
APA	_____
ECO	I
ENG	_____
GCL	I
IDM	I
TEL	_____
CLK	I

DOCUMENT NUMBER-DATE
05210 AUG-1 2
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of new)
environmental program for cost recovery)
through Environmental Cost Recovery Clause)
by Tampa Electric Company.)
_____)

DOCKET NO. 110262-EI

FILED: August 1, 2012

**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)

The information highlighted in yellow on Bates stamp pages 2, 3, 4, 7 – 11 and 14-15 of Tampa Electric's responses to Staff's Fourth Data Request filed August 1, 2012 in this docket. 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

DOCUMENT NUMBER-DATE

05210 AUG-1 2012

FPSC-COMMISSION CLERK

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 1st day of August, 2012.

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 1st day of August, 2012 to the following:

Mr. Charles W. Murphy*
Senior Attorney
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF
THE CONFIDENTIAL INFORMATION**

<u>Page Nos.</u>	<u>Description</u>	<u>Rationale</u>
2, 3, 4, 14 and 15	All highlighted information	(1)
7 - 11	All content	(2)

- (1) The highlighted information discloses a term or condition of Tampa Electric's competitively negotiated contract with National Gypsum, which was filed on July 25, 2012 in this docket under a Request for Confidential Classification and Motion for Temporary Protective Order. Tampa Electric incorporates herein by reference the Justification for Confidential Treatment set forth in that July 25, 2012 request, and states that the Confidential Information sought to be protected herein is entitled to the same protection under Section 366.093, Florida Statutes, and Commission Rule 25-22.006, for the same reasons asserted in the July 25, 2012 filing.
- (2) This Confidential Information consists of proposals submitted to Tampa Electric in response to the company's solicitation of potential additional gypsum off-takers. Tampa Electric committed to maintain the confidentiality of these proposals. Public disclosure of them would contravene that commitment and discourage these potential off-takers from sending further proposals to Tampa Electric for fear that the terms of their future proposals would be made public. These are competitive proposals and, as such, are entitled to confidential treatment under Section 366.093(3)(d) 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 _____

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

Redacted versions are being filed this date in response to Staff's Fourth Data Request.

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:

The Confidential Information described in Rationale (1) of this request needs to be protected for at least two years beyond the end of the term of the Agreement. The Agreement culminates in 2020 with two five-year potential extensions, which would mean the Agreement needs to be protected from public disclosure potentially through 2032. Tampa Electric requests that it be treated confidentially for that period of time. Alternatively, to avoid future requests for renewal of confidential treatment, Tampa Electric requests that the Confidential Information be returned to the undersigned upon closure of this docket.

The Confidential Information described in Rationale (2) needs to be treated confidentially for a minimum of 18 months.