

**AUSLEY & MCMULLEN**

ATTORNEYS AND COUNSELORS AT LAW

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RECEIVED-PPSC

10 SEP -1 PM 2:35

COMMISSION  
CLERK

September 1, 2010

HAND DELIVERED

CLAIM OF CONFIDENTIALITY  
 NOTICE OF INTENT  
 REQUEST FOR CONFIDENTIALITY  
 FILED BY OPC

FOR DN 07370-10, WHICH  
IS IN LOCKED STORAGE. YOU MUST BE  
AUTHORIZED TO VIEW THIS DN. - CLK

Ms. Ann Cole, Director  
Division of Commission Clerk  
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. 100001-EI

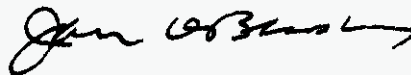
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification of portions of Schedule E12 (Bates stamp page 18; Exhibit CA-3 of Carlos Aldazabal, Document 1, page 5 of 5 - Tampa Electric Company Capacity Costs Estimated for the Period January 2011 through December 2011).

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

- COM
- APA
- ECR**
- GCL
- RAD
- SSC
- ADM
- OPC
- CLK Pena

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

DOCUMENT NUMBER DATE

07375 SEP-1 2010

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 100001-EI

FILED: September 1, 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)**

Schedule E12 to the Direct Testimony of Carlos Aldazabal (Bates Stamp page 18 – Tampa Electric Company Capacity Costs Estimated for the Period January 2011 through December 2011), a single copy of which is being simultaneously filed with the Commission on a confidential basis under a separate transmittal letter. Bates Stamp page 18 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

7375 SEP-1 2010  
FPSC-COMMISSION CLERK

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 propriety 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 1<sup>st</sup> day of September, 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 1<sup>st</sup> day of September, 2010 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  
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Mr. Jon C Moyle  
Keefe Anchors Gordon & Moyle, PA  
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Tallahassee, FL 32301

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Office of Public Counsel  
111 West Madison Street – Room 812  
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Ms. Beth Keating  
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Florida Public Utilities Company  
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West Palm Beach, FL 33402-3395

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Managing Attorney - Regulatory  
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Mr. R. Wade Litchfield  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

Ms. Susan Ritenour  
Secretary and Treasurer  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

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

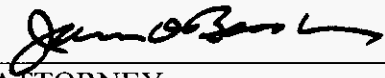
Mr. Robert Scheffel Wright  
Mr. John T. LaVia, III  
Young van Assenderp, P.A.  
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Tallahassee, FL 32301

Shayla L. McNeill, Capt, USAF  
Air Force Legal Operations Agency  
Utility Litigation Field Support Center  
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  
Mr. F. Alvin Taylor  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, D.C. 20007-5201

Mr. Randy B. Miller  
White Springs Agricultural Chemicals, Inc.  
Post Office Box 300  
White Springs, FL 32096

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED  
PORTIONS OF TAMPA ELECTRIC'S WITNESS  
CARLOS ALDAZABAL TESTIMONY (FILED SEPTEMBER 1, 2010)**

<u>Page Nos.</u>	<u>Line Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
Schedule E12 (Bates stamp page 18)	All highlighted lines	All highlighted information	(1)

- 
- (1) The Confidential Information shows estimated purchase amounts pursuant to confidential contracts negotiated by and between Tampa Electric Company and certain energy providers. As such, the information in question is information concerning bids or other contractual data the disclosure of which would impair the efforts of Tampa Electric to contract for goods and services on favorable terms. It is also information relating to competitive interests the disclosure of which would impair the competitive business of Tampa Electric. 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.

**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 \_\_\_\_\_



**TAMPA ELECTRIC COMPANY  
CAPACITY COSTS  
ESTIMATED FOR THE PERIOD: JANUARY 2011 THROUGH DECEMBER 2011**

SCHEDULE E12

CONTRACT	TERM		CONTRACT TYPE
	START	END	
MCKAY BAY REFUSE	8/26/1982	7/31/2011	QF
ORANGE COGEN LP	4/17/1989	12/31/2015	QF
HARDEE POWER PARTNERS	1/1/1993	12/31/2012	LT
SEMINOLE ELECTRIC	6/1/1992	12/31/2012	LT
CALPINE	5/1/2006	4/30/2011	LT
RELIANT	1/1/2009	5/31/2012	LT
PASCO COGEN	1/1/2009	12/31/2018	LT

QF = QUALIFYING FACILITY  
LT = LONG TERM  
ST = SHORT TERM

CONTRACT YEAR 2011	JANUARY MW	FEBRUARY MW	MARCH MW	APRIL MW	MAY MW	JUNE MW	JULY MW	AUGUST MW	SEPTEMBER MW	OCTOBER MW	NOVEMBER MW	DECEMBER MW
MCKAY BAY REFUSE	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	0.0	0.0	0.0	0.0
ORANGE COGEN LP	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0
HARDEE POWER PARTNERS	370.0	370.0	370.0	370.0	370.0	370.0	370.0	370.0	370.0	370.0	370.0	370.0
CALPINE	170.0	170.0	170.0	170.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
RELIANT	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0
PASCO COGEN	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0
SEMINOLE ELECTRIC	4.6	4.6	5.0	6.0	4.2	4.6	5.0	5.8	4.7	4.6	3.9	3.9

CAPACITY YEAR 2011	JANUARY (\$)	FEBRUARY (\$)	MARCH (\$)	APRIL (\$)	MAY (\$)	JUNE (\$)	JULY (\$)	AUGUST (\$)	SEPTEMBER (\$)	OCTOBER (\$)	NOVEMBER (\$)	DECEMBER (\$)	TOTAL (\$)
MCKAY BAY REFUSE	322,460	322,460	322,460	322,460	322,460	322,460	322,460	322,460	0	0	0	0	2,579,680
ORANGE COGEN LP	986,010	986,010	986,010	986,010	986,010	986,010	986,010	986,010	986,010	986,010	986,010	986,010	11,832,120
TOTAL COGENERATION	1,308,470	1,308,470	1,308,470	1,308,470	1,308,470	1,308,470	1,308,470	1,308,470	986,010	986,010	986,010	986,010	14,411,800

HARDEE POWER PARTNERS												
CALPINE - D												
RELIANT ENERGY SERVICES - D												
PASCO COGEN - D												
SUBTOTAL CAPACITY PURCHASES												
SEMINOLE ELECTRIC - D												
VARIOUS MARKET BASED												
SUBTOTAL CAPACITY SALES												

TOTAL PURCHASES AND (SALES)	3,998,430	3,998,430	3,998,430	3,998,420	3,381,330	3,381,320	3,381,330	3,381,330	3,381,330	3,381,330	3,381,320	3,381,330	43,044,330
TOTAL CAPACITY	\$5,306,900	\$5,306,900	\$5,306,900	\$5,306,890	\$4,689,800	\$4,689,790	\$4,689,800	\$4,689,800	\$4,367,340	\$4,367,340	\$4,367,330	\$4,367,340	\$57,456,130

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TAMPA ELECTRIC COMPANY  
CAPACITY COSTS  
ESTIMATED FOR THE PERIOD: JANUARY 2011 THROUGH DECEMBER 2011

SCHEDULE E12

CONTRACT	TERM		CONTRACT TYPE
	START	END	
MCKAY BAY REFUSE	8/28/1982	7/31/2011	QF
ORANGE COGEN LP	4/17/1989	12/31/2015	QF
HARDEE POWER PARTNERS	1/1/1993	12/31/2012	LT
SEMINOLE ELECTRIC	6/1/1992	12/31/2012	LT
CALPINE	5/1/2006	4/30/2011	LT
RELIANT	1/1/2009	5/31/2012	LT
PASCO COGEN	1/1/2009	12/31/2018	LT

QF = QUALIFYING FACILITY  
LT = LONG TERM  
ST = SHORT TERM

CONTRACT YEAR 2011	JANUARY MW	FEBRUARY MW	MARCH MW	APRIL MW	MAY MW	JUNE MW	JULY MW	AUGUST MW	SEPTEMBER MW	OCTOBER MW	NOVEMBER MW	DECEMBER MW
MCKAY BAY REFUSE	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	0.0	0.0	0.0	0.0
ORANGE COGEN LP	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0
HARDEE POWER PARTNERS	370.0	370.0	370.0	370.0	370.0	370.0	370.0	370.0	370.0	370.0	370.0	370.0
CALPINE	170.0	170.0	170.0	170.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
RELIANT	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0
PASCO COGEN	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0
SEMINOLE ELECTRIC	4.6	4.6	5.0	6.0	4.2	4.6	5.0	5.8	4.7	4.6	3.9	3.9

CAPACITY YEAR 2011	JANUARY (\$)	FEBRUARY (\$)	MARCH (\$)	APRIL (\$)	MAY (\$)	JUNE (\$)	JULY (\$)	AUGUST (\$)	SEPTEMBER (\$)	OCTOBER (\$)	NOVEMBER (\$)	DECEMBER (\$)	TOTAL (\$)
MCKAY BAY REFUSE	322,460	322,460	322,460	322,460	322,460	322,460	322,460	322,460	0	0	0	0	2,579,680
ORANGE COGEN LP	986,010	986,010	986,010	986,010	986,010	986,010	986,010	986,010	986,010	986,010	986,010	986,010	11,832,120
TOTAL COGENERATION	1,308,470	1,308,470	1,308,470	1,308,470	1,308,470	1,308,470	1,308,470	1,308,470	986,010	986,010	986,010	986,010	14,411,800

HARDEE POWER PARTNERS													
CALPINE - D													
RELIANT ENERGY SERVICES - D													
PASCO COGEN - D													
SUBTOTAL CAPACITY PURCHASES													
SEMINOLE ELECTRIC - D													
VARIOUS MARKET BASED													
SUBTOTAL CAPACITY SALES													
TOTAL PURCHASES AND (SALES)													
TOTAL CAPACITY	\$5,306,900	\$5,306,900	\$5,306,900	\$5,306,890	\$4,689,800	\$4,689,790	\$4,689,800	\$4,689,800	\$4,367,340	\$4,367,340	\$4,367,330	\$4,367,340	\$57,458,130

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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 therefor is set forth below:

n.a.

State of Florida



**Public Service Commission**  
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

James D. Beasley  
P.O. Box 391  
Tallahassee FL 32301

**Re: Acknowledgement of Confidential Filing in Docket No. 100001-EI**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on September 1, 2010, in the above-referenced docket.

Document Number 07370-10 has been assigned to this filing, which 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.