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June 15, 2012

HAND DELIVERED

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

For DN 03920-12, 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

RECEIVED-FPSC  
12 JUN 15 PM 2:51  
COMMISSION  
CLERK

Re: UNDOCKETED - Smart Meter Data Requests

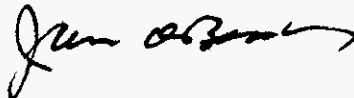
Dear Ms. Cole,

Enclosed for filing in the above-styled matter are the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order regarding its answer to Staff's Data Request 1b.

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 \_\_\_\_\_  
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03919 JUN 15 2012  
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Smart Meter Data Request )  
 )  
\_\_\_\_\_ )

UNDOCKETED

FILED: June 15, 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 information contained in the following described document(s) ("the Document(s)"), all of said confidential information being hereinafter referred to as "Confidential Information."

**Description of the Document(s)**

Tampa Electric Company's answer to Data Request 1b., of Staff's Smart Meter Data Request #1, consisting of a single CD containing copyrighted manufacturers' technical manuals pertaining to the smart meters the manufacturers have provided to Tampa Electric. The confidential CD is being filed with the Commission Clerk's office under a separate cover letter. All the information included in the CD is Confidential Information. 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 CONTROL UNIT

03919 JUN 15 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**

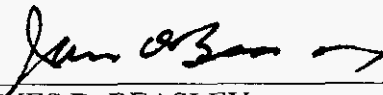
6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the company is in need of confidential 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 15<sup>th</sup> day of June 20112.

Respectfully submitted,



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

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**JUSTIFICATION FOR CONFIDENTIAL  
TREATMENT OF TAMPA ELECTRIC'S RESPONSES TO  
STAFF'S FIRST DATA REQUEST NOS. 1-36 (FILED JUNE 15, 2012)**

<b><u>Bates Stamp Page No.</u></b>	<b><u>POD No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
***	1	All of the Information on the Listed Pages	(1)

- 
- (1) The information in question is copyrighted work product of the publishers of the manuals. Tampa Electric has secured the consent of the publishers to permit the Commission's Staff to review the manuals on a confidential basis, as long as the manuals are not disclosed publicly and are returned to Tampa Electric when the Staff's review is completed. Tampa Electric asserts that confidential protection of the manuals is essential to protect the competitive work product of the publishers thereof, which is among the types of competitive interests that Section 366.093, Florida Statutes, was designed to protect.

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

Inasmuch as all of the information on the CD being provided is copyrighted, and thus in need of confidential protection, a public version of the CD would be a blank CD and, thus, is omitted.

## **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:

Tampa Electric has secured the consent of the copyright holders of the confidential information to allow the Commission Staff to review the protected information and return it to Tampa Electric. Thus, the company asks that the information in question be treated confidentially for as long as it takes the Staff to review the manuals and return them to Tampa Electric.