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

September 12, 2012

HAND DELIVERED

For DN 06141-12, which is in locked storage. You must be authorized to view this DN.-CLK

RECEIVED-FPSC
12 SEP 12 PM 2:27
COMMISSION CLERK

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

120234-E1

Re: Tampa Electric Company's Petition to Determine Need for Polk 2-5 Combined Cycle Conversion


Dear Ms. Cole:

Enclosed for filing on behalf of Tampa Electric Company 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 Tampa Electric's Determination of Need for Electrical Power: Polk 2-5 Combined Cycle Conversion and witness S. Beth Young's Testimony and Exhibit (SBY-1), Document No. 1 and Document No. 2.

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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DOCUMENT NUMBER-DATE

06140 SEP 12 12

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Tampa Electric Company's Petition)
to Determine Need for Polk 2-5 Combined)
Cycle Conversion.)
_____)

DOCKET NO. 120234-E1

FILED: September 12, 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)

Tampa Electric Company's Determination of Need for Electrical Power: Polk 2-5 Combined Cycle Conversion, pages 84 through 86; Witness S. Beth Young's Exhibit (SBY-1), Document No. 1, Bates stamp pages 21 and 22, and Document No. 2, Bates stamp page 24; S. Beth Young's testimony at page 8. 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

DOCUMENT NUMBER-DATE

06140 SEP 12 12

FPSC-COMMISSION CLERK

“[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 12th day of September, 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

JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED PORTIONS OF DETERMINATION OF NEED FOR ELECTRICAL POWER: POLK 2-5 COMBINED CYCLE CONVERSION AND PORTIONS OF WITNESS S. BETH YOUNG'S TESTIMONY AND EXHIBIT (SBY-1)

<u>Pages</u>	<u>Description</u>	<u>Rationale</u>
Determination for Need for Electrical Power: Polk 2-5 Combined Cycle Conversion, Pages 84 through 86	The highlighted information	(1)
Witness S. Beth Young's Exhibit (SBY-1) Document No. 1 Bates stamp pages 21 and 22	The highlighted information	(1)
Witness S. Beth Young's Exhibit No. (SBY-1) Document No. 2 Bate stamp page 25	The highlighted information	(1)
S. Beth Young's testimony at page 8	The highlighted information	(1)

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- (1) The highlighted information on the pages in question constitutes Critical Energy Infrastructure Information or CEII, defined by the Federal Energy Regulatory Commission as "specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that: (1) relates details about the production, generation, transportation, transmission, or distribution of energy; (2) could be useful to a person in planning an attack on critical infrastructure; (3) is exempt from mandatory disclosure under the Freedom of Information Act; and (4) does not simply give the general location of the critical infrastructure." CEII includes, among other things, connectivity or switching maps or diagrams, which is the type of information contained in the above-referenced pages. In addition, Section 366.093(3)(c), Florida Statutes, identifies security measures, systems or procedures as the type of information entitled to confidential protection. Public disclosure of the information in question could compromise the security interests of Tampa Electric and adversely affect the company and its customers. As such, the information is entitled to confidential protection and exemption from the Public Records Law pursuant to Section 366.093, Florida Statutes, and the referenced provisions of the FERC's CEII policy.

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 September 12, 2012

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