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October 18, 2012

### HAND DELIVERED

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

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

For DN 07114-12, which  
is in locked storage. You must be  
authorized to view this DN.-CLK

RECEIVED FPSC  
12 OCT 18 PM 3:12  
COMMISSION  
CLERK

Re: Tampa Electric Company's Petition to Determine Need  
for Polk 2-5 Combined Cycle Conversion  
FPSC Docket No. 120234-EI

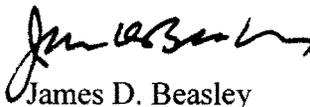
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order regarding portions of its answers to the Florida Public Service Commission Staff's First Request for Production of Documents Nos. 2 and 6.

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 \_\_\_\_\_  
AFD 1  
APA \_\_\_\_\_  
ECO 1  
ENG 3  
GCL 1  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK 1

DOCUMENT NUMBER-DATE

07113 OCT 18 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-EI

FILED: October 18, 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 response to the Florida Public Service Commission Staff's First Request for Production of Documents (Nos. 2 and 6), Bates stamp pages 21-22; 24-25; 27-28; 30-31; 33-34; 36-37; 39-40; 42-43; 45-46; 121-134; 149; 153-159; 1191-1217; 1303-1318; 1319; 1324-1329; 2654, 2656, 2658, 2661; 3214-3323. 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

DOCUMENT NUMBER-DATE

07113 OCT 18 2012

FPSC-COMMISSION CLERK

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**

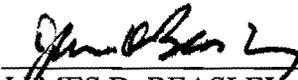
6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period

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 18<sup>th</sup> day of October, 2012.

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 HIGHLIGHTED  
PORTIONS OF TAMPA ELECTRIC'S RESPONSE TO THE  
FLORIDA PUBLIC SERVICE COMMISSION STAFF'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

<b><u>Bates Stamp Page No.</u></b>	<b><u>Production of Documents No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
21-22; 24-25; 27-28; 30-31; 33-34; 36-37; 39-40; 42-43; 45-46	2	All Yellow Highlighted Information	(1)
121-134; 149; 153-159	2	All Yellow Highlighted Information	(2)
1191-1217;	2	All Yellow Highlighted Information	(1)
1303-1318	2	All Yellow Highlighted Information	(2)
1319; 1324-1329	2	All Yellow Highlighted Information	(1)
2654, 2656, 2658, 2661, 3214-3323	6	All Yellow Highlighted Information	(1)

- 
- (1) The information contained on the listed Bates stamp pages is confidential, containing data purchased under contract from Moody's Analytics. Tampa Electric's contract states, "Subscriber shall take all reasonable steps to prevent unauthorized use, access, copying or disclosure of the information." Disclosure of this information would harm the competitive interests of the provider of the information (Moody's Analytics) and, thus, is entitled to protection under Section 366.093(3)(e), Florida Statutes.
- (2) The information contained on the listed Bates stamp pages is confidential, containing individual interruptible customer account data which is not allowed to be shared to anyone other than the customer of record on the account.
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**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 October 18, 2012

REDACTED

**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