

AUSLEY & McMULLEN

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TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

May 20, 2013

REDACTED

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 02766-13, which
is in locked storage. You must be
authorized to view this DN.-CLK

RECEIVED-FPSC
13 MAY 20 PM 3:05
COMMISSION
CLERK

Re: A3a Capacity Cost Recovery Clause
FPSC Docket No. 130001-EI
Audit Control No. 13-016-2-4

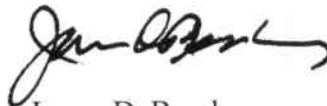
Dear Ms. Cole:

Enclosed for filing in the above styled matter are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order pertaining to confidential workpapers associated with Audit Control No. 13-016-2-4.

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	
APA	_____
ECO	
ENG	
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IDM	_____
TEL	_____
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DOCUMENT NUMBER-DATE

02765 MAY 20 13

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: A3a Capacity Cost Recovery Clause)
Audit Control Co. 13-016-2-4)
_____)

DOCKET NO. 130001-EI

FILED: May 20, 2013

**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's confidential workpapers associated with Capacity Audit Report, Audit Control No. 13-016-2-4, a single copy of which is being simultaneously filed with the Commission on a confidential basis under a separate transmittal letter. 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 proprietary 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

02765 MAY 20 2013

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 20th day of May 2013.

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 electronic mail on this 20th day of May 2013, to the following:

Ms. Martha F. Barrera*
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Florida Public Service Commission
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Pensacola, FL 32520-0780

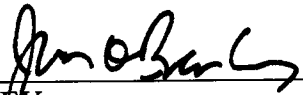
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Tallahassee, FL 32399-1050

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Mr. F. Alvin Taylor
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, D.C. 20007-5201



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL
TREATMENT OF HIGHLIGHTED PORTIONS
OF CONFIDENTIAL WORKPAPERS ASSOCIATED WITH
TAMPA ELECTRIC'S CAPACITY AUDIT REPORT WITH
MEMORANDUM TO COMPANY DATED APRIL 29, 2013**

<u>Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
W/P 41-13/12-4	All Information on Listed Pages	(1)
W/P 41-13/11-3	All Information on Listed Pages	(1)
W/P 43-2/7 (1 of 2)	Highlighted Information	(2)
W/P 43-11/1-3 (2 of 2)	Highlighted Information	(2)
W/P 43-11/2-2	Highlighted Information	(2)

-
- (1) The documents are individual customer bills. Tampa Electric treats individual customer information confidentially and does not disclose it publicly on the belief that individual customers have an expectation that such information should be treated confidentially. Tampa Electric would not want to publicly disclose any customer specific information (except at the customer's own request) that could be used, alone or in conjunction with other publicly available information) to engage in identity theft, gain a competitive advantage over a business customer or take any other action detrimental to its customers' interests. As such, the information is entitled to confidential treatment pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.
- (2) These documents contain confidential, negotiated contract rates, or information that could be used to calculate those confidential, negotiated contract rates. The rates paid under the company's existing contracts are competitively sensitive. Disclosing this contractual information would harm Tampa Electric's position in negotiating the best rates for future contracts, to the detriment of its customers. This type of contractual information has been recognized by the Commission on numerous occasions to constitute proprietary confidential business information, the disclosure of which would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms and, likewise, harmful to the competitive interests of Tampa Electric and the party with which it contracts. This is the specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law. This information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

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 _____

41-13/11-3 has been redacted

41-13/12-4 has been redacted

REDACTED

JWS

03/2013

npa Electric Company
CIRC Audit - Docket 130001-EI

Subject: ~~Equal~~ from [redacted] Agreement

Period: 12 Mos. Ended 12/31/2012

2/13/2013

Schedule 1.43 - Fixed Rate, Variable Rate and Start-up Rate applicable for each Contract Year

	Fixed Rate \$/kW-Month	Variable Rate \$/MWh	Start-Up Rate \$ per Unit
2009	[redacted]	[redacted]	[redacted]
2010	[redacted]	[redacted]	[redacted]
2011	[redacted]	[redacted]	[redacted]
2012	[redacted]	[redacted]	[redacted]
2013	[redacted]	[redacted]	[redacted]
2014	[redacted]	[redacted]	[redacted]
2015	[redacted]	[redacted]	[redacted]
2016	[redacted]	[redacted]	[redacted]
2017	[redacted]	[redacted]	[redacted]
2018	[redacted]	[redacted]	[redacted]

43-2/3

(a)

[redacted] MWH

(b)

43-2/3

[redacted]

\$/kW

(c)

[redacted]

43-2/7 (p. 2)

[redacted] MW

[redacted]

[redacted]

43-2/3

[redacted]

PBC

CONFIDENTIAL

WIP 43-2/7 (112)

41-13/11-3 has been redacted

41-13/12-4 has been redacted

REDACTED

03/2013

npa Electric Company
CCRC Audit - Docket 130001-ET
Subject: Contract [REDACTED] Agreement
Period: 12 Mos. Ended 12/31/2012

Agreement

2/3/2013

Schedule L43 - Fixed Rate, Variable Rate and Start-up Rate applicable for each Contract Year

	Fixed Rate \$/kW-Month	Variable Rate \$/MWh	Start-Up Rate \$ per Unit
2009	[REDACTED]	[REDACTED]	[REDACTED]
2010	[REDACTED]	[REDACTED]	[REDACTED]
2011	[REDACTED]	[REDACTED]	[REDACTED]
2012	[REDACTED]	[REDACTED]	[REDACTED]
2013	[REDACTED]	[REDACTED]	[REDACTED]
2014	[REDACTED]	[REDACTED]	[REDACTED]
2015	[REDACTED]	[REDACTED]	[REDACTED]
2016	[REDACTED]	[REDACTED]	[REDACTED]
2017	[REDACTED]	[REDACTED]	[REDACTED]
2018	[REDACTED]	[REDACTED]	[REDACTED]

43-2/3

(a)

[REDACTED] MWH

(b)

43-2/3

[REDACTED]

\$/kW

[REDACTED] *(c)*

43-2/7
(Pg. 2)

[REDACTED] MWH

[REDACTED]

[REDACTED]

43-2/3

[REDACTED]

PBC

CONFIDENTIAL

WIP 43-2/7
(112)

WRP 43-11/1-3
(212)

$$VAC_m = \text{[REDACTED]} = C/12[K \cdot i_n \cdot (1-(1+ip)/(1+r))^L + O_n \cdot (1+io)/(1+r)]$$

$$\text{Capacity Only [REDACTED]} = C/12[K \cdot i_n \cdot (1-(1+ip)/(1+r))^L]$$

$$\text{Fixed O\&M Only [REDACTED]} = C/12[O_n \cdot (1+io)/(1+r)]$$

Tampa Electric Company
CCRC Audit - Docket 130001-EI
Subject: Cost of Capital Change
Period: 12 Mos. Ended 12/31/2012

gyp
02/2013
[Handwritten initials]

Calculation of Option 1: Normal Capacity Payment
Escalating O&M and Capital separately

a) Each rate increased
by [REDACTED] (ip) per
year

b) Each rate increased
by [REDACTED] (io) per
year

	Capacity <i>b</i>	Fixed O&M	Total Payment	Contract Amount	Difference \$	Difference %
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	-0.1%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	-0.1%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.02	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.02	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.02	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.02	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.01	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.02	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.02	0.0%
1998	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-0.02	0.0%

REDACTED

CONFIDENTIAL



REDACTED

Tampa Electric Company
CCRC Audit - Docket 130001-EI
Subject: Energy - Calpine
Period: 12 Mos. Ended 12/31/2012

43-11/2
3/27/13

Buyer shall have the right to call for the 117 MW Quantity of Energy to be delivered from the Facility during any day of the Delivery Period within a Schedule, effected by Buyer consistent with the scheduling provisions hereof. In no event shall Buyer be entitled to schedule volumes other than 117 MW. Seller, in its sole discretion, may elect to deliver the Product from the Alternate Resource.

Delivery Period: November 1, 2011 through December 31, 2016, Hour Ending ("HE") 0100 through HE 2400 EPT, Monday through Sunday including NERC holidays ("Delivery Period") and November 1, 2011 shall be the "Commencement Date" for this Delivery Period.

Quantity of Capacity and Energy: 117 MW of Unit Firm Capacity ("Contract Capacity") and Unit Firm Energy, also referred to as "Contract Energy," from the Facility or Alternate Resource (subject to the availability provisions herein).

Contract Price: For purposes of the reference to "Contract Price" in Article Three, for each month "Contract Price" means the sum of (i) the Capacity Payment (calculated using the pertinent annual Capacity Price consistent with the "Capacity Availability Adjustment" below), plus (ii) the Variable O&M Charge, multiplied by the Delivered Energy each month, plus (iii) any Scheduling Charges per month.

Capacity Payment: The "Capacity Payment" for each month as used herein equals the Capacity Price multiplied by the Contract Capacity, reduced by the Capacity Availability Adjustment.

Capacity Price: The applicable Capacity Price for each month of each year of the Delivery Period and the Extended Delivery Period, as applicable, of this Confirmation are as set forth in the Tables below.

Calendar Year	Capacity Price for each month of the Delivery Period
2011	
2012	
2013	
2014	
2015	
2016	

Variable O&M Charge: [REDACTED] multiplied by the Inflation Factor.

Scheduling Charge: For each Schedule submitted by Buyer and dispatched by Seller, Buyer shall pay a "Scheduling Charge" in the amount of [REDACTED] multiplied by the Inflation Factor, provided, however, if such Schedule includes a second intra-day start consistent with and as

CONFIDENTIAL

chk calc.

117 MW = 117,000 kW



[REDACTED] 43-11/2

[REDACTED] x (O&M) (GIVEN to MW)

[REDACTED] 43-11/2

WIP 43-11/2-2

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