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August 21, 2013

HAND DELIVERED

RECEIVED - FPSC  
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COMMISSION  
CLERK

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

Re: Petition for Rate Increase by Tampa Electric Company  
FPSC Docket No. 130040-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 and Motion for Temporary Protective Order regarding its answers to the WCF Hospital Utility Alliance's Third Request for Production of Documents (Nos. 151, 152, 153 and 155) (Bates stamp pages 3-253; 255-2025; 2027-2032 and 2035-2053).

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

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

COM	_____
AFD	1
APA	1
ECO	11
ENG	1
GCL	1
IDM	_____
TEL	_____
CLK	_____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase        )  
by Tampa Electric Company.         )  
\_\_\_\_\_ )

DOCKET NO. 130040-EI

FILED: August 21, 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 Document(s)**

Bates stamp pages 3-253; 255-2025; 2027-2032 and 2035-2053 in response to WCF Hospital Utility Alliance's ("HUA's") Third Request for Production of Documents filed on a confidential basis in the above matter. 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 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**

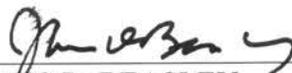
6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the company is in need of confidential 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 21<sup>st</sup> day of August, 2013.

Respectfully submitted,

  
\_\_\_\_\_  
JAMES D. BEASLEY  
J. JEFFRY WAHLEN  
KENNETH R. HART  
ASHLEY M. DANIELS  
Ausley & McMullen  
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(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 electronic mail\*, overnight mail\*\* hand delivery\*\*\* or U. S. Mail\*\*\*\* on this 21<sup>st</sup> day of August, 2013 to the following:

Martha Barrera\*\*\*  
Martha Brown  
Suzanne Brownless  
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Florida Public Service Commission  
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[mbrown@psc.state.fl.us](mailto:mbrown@psc.state.fl.us)

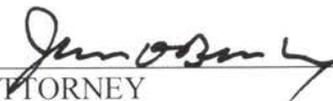
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\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL  
TREATMENT OF HIGHLIGHTED PORTIONS  
OF TAMPA ELECTRIC'S RESPONSES TO HUA'S THIRD  
SET OF PRODUCTION OF DOCUMENTS (FILED AUGUST 21, 2013)**

<u>POD Request No.</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
151	3 – 253	All Information on Listed Pages	(1)
152	255 – 2025	All Information on Listed Pages	(1)
153	2027 – 2032	All Information on Listed Pages	(2)
155	2035 – 2053	All Information on Listed Pages	(3)

- (1) The information discloses in great detail Tampa Electric Company's natural gas commodity contract and transportation rates, by contract on a projected basis going out through 2014. Public disclosure of this information would provide in minute detail the company's rates for all of the company's natural gas commodity and natural gas transportation costs. As such, this information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. These types of rates on a commodity and transportation basis have 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. 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.
- (2) The information contained on the listed pages includes Tampa Electric's analysis and system information that reveals existing and planned operations and performance data of the company's generating units. Disclosing detailed system performance information would provide competitors access to the operating profile of our system and enable them offer energy or capacity during times where the utility has the greatest need. As such public disclosure of the information contained on these pages would adversely affect the competitive interests of Tampa Electric and its ability to contract for goods and services on favorable terms. The disclosure of this information would therefore be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.
- (3) The information contained on the listed pages contains proprietary generation and transmission expansion information provided to TECO senior management and Board members on a confidential basis. These strategic documents detail the company's thought process in evaluating expansion options that could adversely impact the company's ability to successfully conduct future projects if made public. Disclosure of this information would provide prospective bidders insight into the company's needs,

which could impact the pricing as well as the terms and conditions of their proposals. As such public disclosure of the information contained on these pages would adversely affect the competitive interests of Tampa Electric to contract for goods and services on favorable terms. The disclosure of this information would therefore be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.

**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) would be entirely redacted and, therefore, are not being supplied.

**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 therefore is set forth below:

n/a