

# AUSLEY & McMULLEN

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October 14, 2013

HAND DELIVERED

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

RECEIVED-FPSC  
13 OCT 14 PM 1:36  
COMMISSION  
CLERK

Re: Fuel and Purchased Power Cost Recovery Clause with Generating  
Performance Incentive Factor; FPSC Docket No. 130001-EI

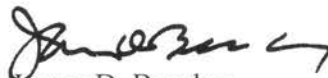
Dear Ms. Cole:

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 Audit Work Papers pursuant to Audit Control No. 13-102-2-2.

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

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

COM	
AFD	2
APA	1
ECO	1
ENG	1
GCL	1
IDM	1
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased )  
Power Cost Recovery Clause )  
and Generating Performance )  
Incentive Factor. )  
\_\_\_\_\_ )

DOCKET NO. 130001-EI

FILED: October 14, 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)**

Audit Work Papers pursuant to Audit Control No. 13-102-2-2. 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 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 14<sup>th</sup> day of October 2013.

Respectfully submitted,



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JAMES D. BEASLEY  
J. JEFFRY WAHLEN  
ASHLEY M. DANIELS  
Ausley & McMullen  
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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 U. S. Mail on this 14<sup>th</sup> day of October 2013 to the following:

<p>Ms. Martha F. Barrera* Senior Attorney Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850</p> <p>Mr. John T. Burnett Ms. Dianne M. Triplett Duke Energy Florida, Inc. Post Office Box 14042 St. Petersburg, FL 33733</p> <p>Mr. Paul Lewis, Jr. Duke Energy Florida, Inc. 106 East College Avenue - Suite 800 Tallahassee, FL 32301-7740</p> <p>Mr. Jon C. Moyle, Jr. Moyle Law Firm 118 N. Gadsden Street Tallahassee, FL 32301</p> <p>Ms. Patricia A. Christensen Associate Public Counsel Office of Public Counsel 111 West Madison Street – Room 812 Tallahassee, FL 32399-1400</p> <p>Ms. Beth Keating Gunster, Yoakley &amp; Stewart, P.A. 215 S. Monroe St., Suite 601 Tallahassee, FL 32301</p> <p>Mr. Randy B. Miller White Springs Agricultural Chemicals, Inc. Post Office Box 300 White Springs, FL 32096</p>	<p>Ms. Cheryl Martin Director/Regulatory Affairs Florida Public Utilities Company 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409</p> <p>Mr. John T. Butler Assistant General Counsel - Regulatory Florida Power &amp; Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420</p> <p>Mr. Kenneth Hoffman Vice President, Regulatory Relations Florida Power &amp; Light Company 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1859</p> <p>Mr. Robert L. McGee, Jr. Regulatory and Pricing Manager Gulf Power Company One Energy Place Pensacola, FL 32520-0780</p> <p>Mr. Jeffrey A. Stone Mr. Russell A. Badders Mr. Steven R. Griffin Beggs &amp; Lane Post Office Box 12950 Pensacola, FL 32591-2950</p> <p>Mr. Robert Scheffel Wright Mr. John T. LaVia, III Gardner, Bist, Wiener, Wadsworth, Bowden, Bush, Dee, LaVia &amp; Wright, P.A. 1300 Thomaswood Drive Tallahassee, FL 32308</p>
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Ms. Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

Mr. James W. Brew  
Mr. F. Alvin Taylor  
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1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, D.C. 20007-5201

  
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ATTORNEY

**JUSTIFICATIONS FOR CONFIDENTIAL  
TREATMENT OF HIGHLIGHTED PORTIONS OF  
TAMPA ELECTRIC'S DOCUMENTS SELECTED AS AUDIT  
WORK PAPERS PURSUANT TO AUDIT CONTROL NO. 13-102-2-2**

<u>Work Papers:</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
2	Highlighted Information	2	(1)
44-1, page 1 of 27	All Information on Page	1	(1)
44-1, page 2 of 27	All Information on Page	1	(1)
44-1, page 3 of 27	Highlighted Information	1	(1)
44-1, page 4 of 27	All Information on Page	1	(1)
44-1, page 5 of 27	All Information on Page	1	(1)
44-1, page 6 of 27	Highlighted Information	1	(1)
44-1, page 7 of 27	All Information on Page	1	(1)
44-1, page 8 of 27	All Information on Page	1	(1)
44-1, page 9 of 27	Highlighted Information	1	(1)
44-1, page 10 of 27	All Information on Page	1	(1)
44-1, page 11 of 27	Highlighted Information	1	(1)
44-1, page 12 of 27	All Information on Page	1	(1)
44-1, page 13 of 27	All Information on Page	1	(1)
44-1, page 14 of 27	Highlighted Information	1	(1)
44-1, page 15 of 27	All Information on Page	1	(1)
44-1, page 16 of 27	Highlighted Information	1	(1)
44-1, page 17 of 27	All Information on Page	1	(1)
44-1, page 18 of 27	Highlighted Information	1	(1)
44-1, page 19 of 27	All Information on Page	1	(1)
44-1, page 20 of 27	All Information on Page	1	(1)
44-1, page 21 of 27	Highlighted Information	1	(1)
44-1, page 22 of 27	All Information on Page	1	(1)
44-1, page 23 of 27	All Information on Page	1	(1)
44-1, page 24 of 27	Highlighted Information	1	(1)
44-1, page 25 of 27	All Information on Page	1	(1)
44-1, page 26 of 27	All Information on Page	1	(1)
44-1, page 27 of 27	Highlighted Information	1	(1)
44-2, page 1 of 8	Highlighted Information	1	(1)
44-2, page 2 of 8	All Information on Page	1	(1)
44-2, page 3 of 8	All Information on Page	1	(1)
44-2, page 4 of 8	Highlighted Information	1	(1)
44-2, page 5 of 8	All Information on Page	1	(1)
44-2, page 6 of 8	Highlighted Information	1	(1)
44-2, page 7 of 8	All Information on Page	1	(1)
44-2, page 8 of 8	All Information on Page	1	(1)
44-4	All Information on Page	18	(2)
44-5	All Information on Page	21	(2)

<u>Work Papers:</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
44-7, page 2 of 3	Highlighted Information	1	(1)
44-7, page 3 of 3	Highlighted Information	1	(1)
44-8, page 2 of 3	Highlighted Information	1	(1)
44-8, page 3 of 3	Highlighted Information	1	(1)
44-9, page 2 of 6	Highlighted Information	1	(1)
44-9, page 5 of 6	Highlighted Information	1	(1)
47-2	All Information on Page	1	(3)
47-4	All Information on Page	1	(3)
47-5	Highlighted Information	1	(3)
57	Highlighted Information	1	(1)
57-8	Highlighted Information	1	(1)

- (1) The highlighted information contains specific details about fuel hedging volume, pricing, percentages and/or counterparties. This type of information about a commodity has been recognized by the Commission on numerous occasions to constitute proprietary confidential business information. Knowledge of this information would allow the opportunity for market manipulation through transactions made in anticipation of the company's entry into the market. Market manipulations based on knowledge of the highlighted information would increase the price of fuel paid by Tampa Electric's customers as well as the price paid by the company to hedge the customers' price of fuel. 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 extended credit limits for trading companies. The disclosure of the counterparties and credit terms could cause other trading entities to modify existing or potential future terms of any agreements. As such, public disclosure of the information 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 confidential Information shows estimated purchase amounts pursuant to confidential contracts as negotiated by and between Tampa Electric Company and certain energy providers. As such, the information in question is information concerning bids or other contractual data the disclosure of which would impair the efforts of Tampa Electric to contract for goods and services on favorable terms. It is also information relating to competitive interests, the disclosure of which would impair the competitive business of Tampa Electric. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.06.



**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) will be submitted under a separate filing   X  

Public Version(s) of the Document(s) previously filed on \_\_\_\_\_

## **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