

# AUSLEY McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

June 19, 2018

**VIA: ELECTRONIC FILING**

Ms. Carlotta S. Stauffer  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

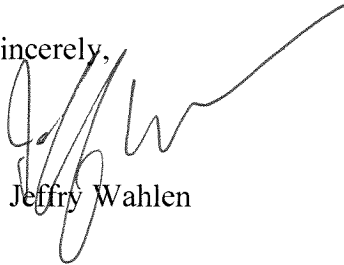
Re: Petition for recovery of costs associated with named tropical systems during the 2015, 2016 and 2017 hurricane seasons and replenishment of storm reserve subject to final true-up, by Tampa Electric Company  
FPSC Docket No. 20170271-EI

Dear Ms. Stauffer:

Attached for filing in the above docket is Tampa Electric Company's Motion for a Temporary Protective Order regarding its supplemental response to Citizens' First Request for Production of Documents No. 6, propounded and served on March 23, 2018.

Thank you for your assistance in connection with this matter.

Sincerely,

  
J. Jeffrey Wahlen

JJW/pp  
Attachment

cc: All parties of record (w/enc.)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for recovery of cost associated )  
with named tropical systems during the )  
2015, 2016 and 2017 hurricane seasons and )  
replenishment of storm reserve subject to )  
final true-up, by Tampa Electric Company. )  
\_\_\_\_\_ )

DOCKET NO. 20170271-EI

FILED: June 19, 2018

**TAMPA ELECTRIC COMPANY'S  
MOTION FOR A TEMPORARY PROTECTIVE ORDER**

Tampa Electric Company (“Tampa Electric” or “the company”) pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, hereby moves the Commission for entry of a temporary protective order exempting from Section 119.07(1), Florida Statutes; certain information requested by the Office of Public Counsel (“OPC”) through discovery, and for the protection of that information against public disclosure pending OPC’s review of it. In support of its Supplemental Motion the company says:

1. On March 23, 2018 OPC served on Tampa Electric its First Request to Produce Documents (Nos. 1-10). Tampa Electric served its responses on April 9, 2018. This Motion relates to OPC’s Request for Production of Documents No. 6, which read as follows:

6. Contractors. For each storm identified in the Company’s Amended Petition, please provide, by contractor, the supporting invoice (including all supporting detail provided by the vendor) for invoices over \$25,000.

2. Tampa Electric possesses supplemental documents responsive to the above POD No. 6, that contain confidential proprietary business information entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes, in that they contain, among other things:

(d) information concerning bids or other 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.

(e) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. (Section 366.093(3)(d) and (e), Florida Statutes)

3. Public disclosure of the information in question would adversely affect the economic interests of Tampa Electric and its customers.

4. Rule 25-22.006, Florida Administrative Code, provides for protection of this type of information when a utility allows Public Counsel to inspect or take possession of such information in the course of discovery. Subsection (6)(c) of this rule states:

(c) When a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from Section 119.07(1), F.S. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

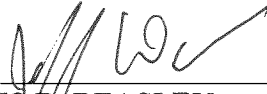
5. Tampa Electric requests a temporary protective order in order to allow OPC access to the supplemental information requested and at the same time protect the economic interests of Tampa Electric and its customers from the harm that would result from public disclosure of the above-referenced confidential information.

6. Tampa Electric is prepared to furnish OPC access to the requested information. The company maintains the supplemental information in question is in a confidential form and has not disclosed it publicly.

WHEREFORE, Tampa Electric moves the Commission for entry of a temporary protective order allowing it to provide access to OPC to the supplemental information requested while maintaining the confidential nature of that information.

DATED this 19<sup>th</sup> day of June 2018.

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 Supplemental Motion, filed on behalf of Tampa Electric Company, has been furnished by electronic mail on this 19<sup>th</sup> day of June 2018 to the following:

Ms. Suzanne S. Brownless  
Ms. Danijela Janjic  
Senior Attorney  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)  
[jdanijela@psc.state.fl.us](mailto:jdanijela@psc.state.fl.us)

Office of Public Counsel  
J. R. Kelly  
Public Counsel  
Patricia A. Christensen  
Associate Public Counsel  
Virginia Ponder  
Associate Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
[Kelly.jr@leg.state.fl.us](mailto:Kelly.jr@leg.state.fl.us)  
[Christensen.patty@leg.state.fl.us](mailto:Christensen.patty@leg.state.fl.us)  
[Ponder.virginia@leg.state.fl.us](mailto:Ponder.virginia@leg.state.fl.us)

The Florida Industrial Power Users Group  
Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Firm  
The Perkins House  
118 North Gadsden Street  
Tallahassee, FL 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

Florida Retail Federation  
Mr. Robert Scheffel Wright  
Mr. John T. LaVia, III  
Gardner, Bist, Bowden, Bush, Dee,  
LaVia & Wright, P.A.  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
[Schef@gbwlegal.com](mailto:Schef@gbwlegal.com)  
[Jlavia@gbwlegal.com](mailto:Jlavia@gbwlegal.com)

  
\_\_\_\_\_  
ATTORNEY