

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

March 29, 2021

HAND DELIVERED

Mr. Adam J. Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Petition of Tampa Electric Company for approval of Direct Current Microgrid
Pilot Program; FPSC Docket No. 20200234-EI

Dear Mr. Teitzman:

Enclosed for filing in the above docket is a Request for Confidential Classification and Motion for Temporary Protective Order pertaining to a workpaper entitled "Staff's Seventh Data Request No 4(A).xlsx," that is responsive to Staff's Seventh Data Request No. 4(a). A redacted, non-confidential version of the workpaper is included on a CD as Exhibit B to this Request.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to the runner delivering same today.

Thank you for your assistance in connection with this matter.

Sincerely,

Malcolm N. Means
Malcolm N. Means

RECEIVED-FPSC
2021 MAR 29 PM 4:52
COMMISSION
CLERK

MNM/bmp
Enclosure

cc: All parties of record (w/o enc.)
Suzanne Brownless, Special Counsel (w/o enc.)

COM _____
AFD _____
APA _____
ECO _____
ENG 1 CD = redacted - Exh B
GCL _____
IDM _____
CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric Company)
for Approval of Direct Current Microgrid)
Pilot Program and for Variance or Waiver)
of Rule 25-6.065 of the Florida)
Administrative Code)
_____)

DOCKET NO.20200234

FILED: March 29, 2021

**TAMPA ELECTRIC COMPANY'S
SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND REQUEST 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 requests confidential classification of a workpaper responsive to Staff's Seventh Data Request No. 4.a, entitled "Staff's Seventh Data Request No 4(a).xlsx," so that it may produce the document to Staff while retaining confidential treatment for it.

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: "information 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; and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." §366.093(3)(c)-(e), Fla. Stat. The Confidential Information that is the subject of this request and motion falls within these 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 Documents.

3. Attached hereto as Exhibit "B" are two public versions of the Documents with the Confidential Information redacted, unless previously filed as indicated.

4. The Confidential Information contained in the Documents 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)(a) of the Florida Administrative Code.

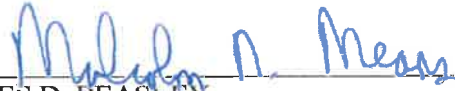
Requested Duration of Confidential Classification

6. Pursuant to Rule 25-22.006(9)(a), Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for 48 months. 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 48 months. 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 29th day of March, 2021.

Respectfully submitted,



JAMES D. BEASLEY

jbeasley@ausley.com

J. JEFFRY WAHLEN

jwahlen@ausley.com

MALCOLM N. MEANS

mmeans@ausley.com

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 Motion, filed on behalf of Tampa Electric Company, has been furnished by electronic mail on this 29th day of March, 2021 to the following:

Suzanne Brownless
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
sbrownle@psc.state.fl.us

Ken Plante
Joint Administrative Procedures Committee
680 Pepper Building
111 W. Madison Street
Tallahassee, FL 32399
Joint.admin.procedures@leg.state.fl.us

Office of Public Counsel
Richard Gentry
Public Counsel
Charles Rehwinkel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
Gentry.richard@leg.state.fl.us
Rehwinkel.charles@leg.state.fl.us

George Cavros
Southern Alliance for Clean Energy
120 E. Oakland Park Blvd.
Fort Lauderdale, FL 33334
george@cavros-law.com

Katie Chiles Ottenweiler
838 Barton Wood Rd NE
Atlanta, GA 30307
katie@votesolar.org



ATTORNEY

JUSTIFICATION FOR CONFIDENTIAL TREATMENT

<u>Document Description</u>	<u>Rationale</u>
Staff's Seventh Data Request No 4(a).xlsx	(1)

- (1) The confidential information contained in this workpaper consists of pricing data and contractual terms which were negotiated between Tampa Electric and Emera Technologies Florida, Inc. related to the development and implementation of the DC Microgrid Pilot Program. This Program constitutes an experimental, first of its kind project with unique business considerations. As a result, the parties agreed to make accommodations that they may not have agreed to in the absence of an experimental pilot program. The disclosure of this contractual information 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 parties with which it contracts. This is the specific type of information described in Section 366.093(1)(d) and (e) as being entitled to confidential classification and exemption from the Public Record 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 _____

REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION

Rule 25-22.006(9)(a) of the Florida Administrative Code provides the Commission may approve confidential classification of information for a period longer than 18 months if it finds, for good cause, that such longer period is necessary to protect the business operations of the utility or affected person. Pursuant to this provision, 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 period of 48 months from the date of the order granting such classification. There is good cause for such an extended classification. Tampa Electric's Petition in this docket requests that the Commission approve a DC Microgrid Pilot Program with a duration of 48 months. The Confidential Information included in this Request consists of contractual pricing data and contractual terms agreed to by the parties to facilitate this first of its kind, experimental pilot. Public disclosure of this information before the conclusion of the 48-month pilot period would impair the efforts of Tampa Electric to contract for future experimental pilot programs on favorable terms and would impair the competitive interests of Tampa Electric and its counterparties in this Pilot Program. Granting the requested 48-month confidentiality period will also be administratively efficient in that it will avoid the company having to submit, and the Commission having to process, requests for extensions of confidential protection during the course of the pilot program. Tampa Electric accordingly requests that confidential treatment of this information extend for the full duration of the Pilot Program.