

# 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

April 16, 2021

**HAND DELIVERED**

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2021 APR 16 PM 1:34  
COMMISSION CLERK

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

Re: Docket 20210034-EI, Petition for Rate Increase by Tampa Electric Company

Dear Mr. Teitzman:

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 Protective Order of certain information contained in Exhibit KDM-1, Document Nos. 4 and 7 to the testimony of Tampa Electric witness Kenneth D. McOnie.

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

Thank you for your assistance in connection with this matter.

Sincerely,

Malcolm N. Means

MNM/bmp

Enclosure

cc: Richard Gentry, Public Counsel (w/encl.)  
Jon Moyle, FIPUG (w/encl.)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric Company )  
for an increase in its base rates and service )  
charges and other relief )  
\_\_\_\_\_ )

DOCKET NO. 20210034-EI

FILED: April 16, 2021

**TAMPA ELECTRIC COMPANY'S  
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 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)**

The information for which confidential treatment is requested is highlighted in yellow on Exhibit KDM-1, Document Nos. 4 and 7, to the testimony of Tampa Electric witness Kenneth D. McOnie. 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: (a) trade secrets; (b) internal auditing controls and reports of internal auditors; (c) security measures, systems, or procedures; (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; and (f) employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. §366.093(3)(c)-(f), 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 18 months. 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 18 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 16<sup>th</sup> day of April, 2021.

Respectfully submitted,



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JAMES D. BEASLEY

[jbeasley@ausley.com](mailto:jbeasley@ausley.com)

J. JEFFRY WAHLEN

[jwahlen@ausley.com](mailto:jwahlen@ausley.com)

MALCOLM N. MEANS

[mmeans@ausley.com](mailto: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 16<sup>th</sup> day of April, 2021 to the following:

Charles Murphy  
Gabriella Passidomo  
Theresa Tan  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[cmurphy@psc.state.fl.us](mailto:cmurphy@psc.state.fl.us)  
[gpassido@psc.state.fl.us](mailto:gpassido@psc.state.fl.us)  
[ltan@psc.state.fl.us](mailto:ltan@psc.state.fl.us)

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

Office of Public Counsel  
Richard Gentry  
Aanstacia Pirello  
Stephanie Morse  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
[Gentry.richard@leg.state.fl.us](mailto:Gentry.richard@leg.state.fl.us)  
[Pirrello.anastacia@leg.state.fl.us](mailto:Pirrello.anastacia@leg.state.fl.us)  
[Morse.stephanie@leg.state.fl.us](mailto:Morse.stephanie@leg.state.fl.us)



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ATTORNEY

## JUSTIFICATION FOR CONFIDENTIAL TREATMENT

<u>Document Description</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
Direct Testimony of Kenneth D. McOnie Exhibit KDM-1 Document No. 4	27	Entire Page	(1)
Direct Testimony of Kenneth D. McOnie Exhibit KDM-1 Document No. 7	39-63	Entire Page	(1)

- (1) The confidential information contained in this document contains the proprietary work product of S&P Global Market Intelligence (“S&P”). This work product is proprietary research that is only available to clients that subscribe to S&P news, research, and data. Public disclosure would be inconsistent with the terms of the subscription and could impair the ability of Tampa Electric Company to access this and other similar information. Public disclosure would also impair S&P’s competitive interests. As a result, this constitutes “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” and “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” §366.093(3)(d)-(e), Fla. Stat. This information is protected by Section 366.093(3), 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) previously filed 4/16/21