

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

May 17, 2021

VIA: ELECTRONIC FILING

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

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

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Motion for a Temporary Protective Order regarding its response to Office of Public Counsel's First Set of Interrogatories (Nos. 1-46) and First Request for Production of Documents (Nos. 1-18), propounded and served by electronic mail on April 16, 2021.

Thank you for your assistance in connection with this matter.

Sincerely,



Malcolm N. Means

MNM/ne
Attachment

cc: All parties of record (w/attachment)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase)
by Tampa Electric Company)
_____)

DOCKET NO. 20210034-EI
FILED: May 17, 2021

**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 requests that the Commission issue a temporary protective order exempting from Section 119.07(1), Florida Statutes, certain information specified herein as 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 Motion, the company says:

1. On this date, Tampa Electric Company has served its response to the Office of Public Counsel’s First Set of Interrogatories (Nos. 1-46) and First Request for Production of Documents (Nos. 1-18) (“OPC Discovery Requests”) by posting its answers, responses, and responsive documents (collectively “Response”) on a virtual Share Point site that is accessible by OPC. The company believes that all or portions of its Response specified on Exhibit “A” constitute “proprietary confidential business information,” and has designated it as such by (1) highlighting it in yellow and (2) placing it in a segregated area of the Share Point site for confidential information. Tampa Electric considers the highlighted information in its Response to be “proprietary confidential business information” that is entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes, because it reflects information in one or more of these categories:

(b) internal auditing controls and reports of internal auditors

(d) [information] 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)

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

3. Rule 25-22.006, Florida Administrative Code, provides for protection of this type of information when a utility allows OPC 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.

4. Tampa Electric requests a temporary protective order in order to allow OPC access to the highlighted confidential information posted on the Share Point site as part of its Response while protecting the economic interests of Tampa Electric and its customers from the harm that would result from public disclosure of the above-referenced confidential information. Tampa Electric will work cooperatively with OPC to identify confidential information to be used at the final hearing in this docket and to request confidential classification as specified in the rule. To the extent that prefiling of confidential documents is required, Tampa Electric and the OPC have

further committed to work out a process to maintain both confidentiality of the information and preservation of the litigation rights of the respective parties consistent with Commission precedent. Furthermore, the parties have both agreed that the efficiency underlying this arrangement is not expected to require the closure of public access to hearings and that they will vigorously preserve confidentiality in accordance with applicable law while taking all reasonable steps to accomplish necessary litigation in a manner that does not require closure of hearings.

5. Tampa Electric maintains the highlighted information produced to OPC in response to its requests in a confidential form and has not disclosed it publicly.

WHEREFORE, Tampa Electric requests that the Commission issue a Temporary Protective Order allowing it to provide OPC the confidential information described above while maintaining the confidential nature of that information.

DATED this 17th of May 2021.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
MALCOLM N. MEANS
jbeasley@ausley.com
jwahlen@ausley.com
mmeans@ausley.com
Ausley McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

Exhibit A

OPC's First Set of Interrogatories				
Request	Witness	Electronic File Name	Description	Bates Stamped Pages
1. Budgets. Please describe and provide a copy of the Company's most recent financial budgets/forecasts for 2021, 2022, 2023, and 2024, including operating budgets/forecasts and capital budgets/forecasts. Indicate whether they have been submitted to and/or approved by the Board of Directors.	Lewis	(BS 19-32) IRR No. 1_CONF.PDF	2021 Strat Plan	19-32
18. Executive Compensation. Please provide a listing of the total compensation of each corporate officer of Tampa Electric Company or any other entity whose executive compensation costs are charged or allocated to Tampa Electric Company for 2018 through 2020 (and projected amounts for the same cost for 2021, and 2022). Indicate the separate amount charged to O&M expense and capitalized, and breakdown the total compensation by type including, but not limited to, salary, deferred compensation, stock options, vehicle allowances, etc.	Cacciatore	(BS 208) IRR 18_Exec Comp.xlsx	Executive Compensation: Reports contain individual officer names and Board of Directors compensation data	208

OPC's First Request for Production of Documents				
Request	Witness	Electronic File Name	Description	Bates Stamped Pages
1. MFR's. Please provide all Excel workbook files in live format, with formulas and calculations intact, that were used to produce the Company's MFR filing, schedules, workpapers, and witness testimonies and exhibits.	Cifuentes	(BS 18) Apr_20.xlsx (BS 19) Backup MFR F7_Moodys_Jul_20_Delivery.xlsx (BS 20) ECON ASSUMPTIONS_SOURCE COMPARISONS_Fcst21_LLC.xlsx (BS 21) Economics.xls	Information related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. (Study/Analysis: Moody's Economic Assumptions)	18 - 21
	Ashburn	(BS 22) Service Charge E-07 2022 - DRAFT.xlsx	Labor Rates	22
	Kopp	(BS 2) Balm Solar Confidential.xlsx (BS 3) Bayside CONFIDENTIAL.xlsx (BS 4) Big Bend CONFIDENTIAL.xlsx (BS 5) Big Bend Solar CONFIDENTIAL.xlsx (BS 6) Bonnie Mine Solar CONFIDENTIAL.xlsx (BS 7) Grange Hall Solar CONFIDENTIAL.xlsx (BS 8) Lake Hancock Solar CONFIDENTIAL.xlsx (BS 9) Legoland Solar CONFIDENTIAL.xlsx (BS 10) Lithia Solar CONFIDENTIAL.xlsx (BS 11) Little Manatee River CONFIDENTIAL.xlsx (BS 12) Payne Creek CONFIDENTIAL.xlsx (BS 13) Peace Creek CONFIDENTIAL.xlsx (BS 14) Polk CONFIDENTIAL.xlsx (BS 15) Tampa International CONFIDENTIAL.xlsx (BS 16) Wimauma CONFIDENTIAL.xlsx	Consultant's Proprietary / Competitive Business Models	2-16
	Vogt	(BS 17) E_Vol IIofIII (Opt-Out) CONF.xlsx	Labor Rates	17

OPC's First Request for Production of Documents				
Request	Witness	Electronic File Name	Description	Bates Stamped Pages
3. Internal Audits. Please provide a list and copy of all Tampa Electric Company internal audit reports for 2018 through 2021 in searchable format.	ALL	(BS 393-528) POD No. 3_CONF_bates.pdf	Internal Audit Reports	393-528
5. Pensions. Please provide a copy of Tampa Electric Company's pension and post-retirement benefits actuarial studies for each year 2020 through 2024 in unlocked and searchable format.	Cacciatore	(BS 607-626_637-639_645-646) POD No. 5_CONF_bates.pdf	Pension and post-retirement benefits actuarial studies containing forecasted data for 2023-2026	607- 626, 637-639, 645-646
6. Rating Agencies. Please provide any reports for 2019 to the present by investors services (e.g., Moody's, Standard & Poor's, etc.) relating to the operations of Tampa Electric Company, and Emera Inc., and also provide your presentations to each such investor service for the same period, regardless of whether a report was issued in response to such presentation.	McOnie	(BS 663-1041) POD No. 6 CONF_bates.pdf	Rating Agency Material	663-1041
7. Vegetation Management. Please provide any studies that Tampa Electric Company had performed or performed internally that address the Company vegetation management program and/or storm hardening during the years 2016 through 2020 and 2021 to-date.	Haines	(BS 1043-1200) POD No. 7-CONF_bates.pdf	Consultant's Proprietary / Competitive Business Models	1043-1200
10. Board minutes. Please provide a copy of all Tampa Electric Company, Emera US Holdings, Inc., and Emera Board of Directors Meeting minutes and board committee minutes and presentations to the Tampa Electric Company, Emera US Holdings, Inc., and Emera boards in 2019, 2020 and 2021 to-date.	All	(BS 1605-8656) POD No.10_CONF_bates.pdf	Board Material	1605 - 8656

OPC's First Request for Production of Documents				
Request	Witness	Electronic File Name	Description	Bates Stamped Pages
11. Tax returns. Please provide the two most recent Florida state and federal consolidated income tax returns of Tampa Electric Company, Emera US Holdings, Inc., and Emera, Inc., if one is prepared, including all supporting forms and attachments.	Chronister	(BS 8658-10449) POD 11 - CONF_bates.PDF	Tax Returns	8658-10449
13. Please produce any and all documents that support, evidence or relate to your response to OPC's Interrogatory No. 1.	Lewis	(BS 10573) 2021 Strat Plan - Financials_CONF.xlsx (BS 10573.1) 2020 Strat Plan - Financials (SW2 225-225-150) CONF.xlsx	Budget/Strat Plan	10573 10573.1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been served by electronic mail on this 17th day of May, 2021 to the following:

Charles Murphy
Theresa Tan
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
cmurphy@psc.state.fl.us
ltan@psc.state.fl.us

Richard Gentry
Charles Rehwinkel
Anastacia Pirello
Stephanie Morse
Office of Public Counsel
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
pirello.anastacia@leg.state.fl.us
morse.stephanie@leg.state.fl.us

Stephanie U. Eaton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

Barry A. Naum
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
bnaum@spilmanlaw.com

Florida Industrial Power Users Group
Jon Moyle
Karen Putnal
c/o Moyle Law Firm
118 N. Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

Federal Executive Agencies
Thomas A. Jernigan
Holly L. Buchanan, Maj, USAF
Scott L. Kirk, Maj, USAF
Arnold Braxton, TSgt, USAF
Ebony M. Payton
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
thomas.jernigan.3@us.af.mil
holly.buchanan.1@us.af.mil
scott.kirk.2@us.af.mil
arnold.braxton@us.af.mil
ebony.payton.ctr@us.af.mil



ATTORNEY