

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Approval of Purchased Power)
Agreement with Pasco County)
by Tampa Electric Company)
_____)

DOCKET NO.: 2022____-EI
FILED: November 4, 2022

REQUEST FOR CONFIDENTIAL CLASSIFICATION

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 for the highlighted information contained in the proposed Contract for the Purchase of Contracted Capacity and Associated Energy (the “Agreement”) between Tampa Electric and Pasco County, Florida. In support thereof, Tampa Electric states:

1. Tampa Electric previously filed a Petition for Approval of Purchased Power Agreement with Pasco County seeking Commission approval of the Agreement. The company attached a redacted, non-confidential version of the Agreement to the Petition and represented in the Petition that the company would file the unredacted, confidential version of the Agreement pursuant to a separate Request for Confidential Classification. Tampa Electric accordingly seeks confidential classification of the highlighted information in the unredacted Agreement.

2. 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 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. 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.

3. Attached hereto as Exhibit A is a justification for confidential treatment of the confidential information contained in the Agreement.

4. The confidential information in the Agreement is intended to be and is treated by Tampa Electric as confidential and has not been publicly disclosed. Nor has Pasco County made the unredacted version of the Agreement publicly available.

5. 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.

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 for 18 months.

DATED this 4th day of November, 2022.

Respectfully submitted,



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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 4th day of November, 2022 to the following:

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EXHIBIT A

JUSTIFICATION FOR CONFIDENTIAL TREATMENT

Page	Rationale
Exhibit I-1 through I-13	The highlighted information consists of the formulae negotiated between Tampa Electric and Pasco County for calculating the contract price for the PPA. This highlighted information constitutes “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility to contract for goods or services on favorable terms.” §366.093(3)(d), Fla. Stat. It also constitutes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” §366.093(e), Fla. Stat. This information is accordingly entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.
Exhibit II-1	The highlighted information consists of the formula used to calculate the termination payment for the PPA. This highlighted information constitutes “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility to contract for goods or services on favorable terms.” §366.093(3)(d), Fla. Stat. It also constitutes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” §366.093(e), Fla. Stat. This information is accordingly entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.
Exhibit III-1	The PPA contains a transmission-cost sharing provision with respect to the costs of delivering the power to Tampa Electric’s system. The highlighted information consists of the formula used to calculate this transmission cost cap. This information is accordingly “[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility to contract for goods or services on favorable terms.” §366.093(3)(d), Fla. Stat. It also constitutes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” §366.093(e), Fla. Stat. This information is accordingly entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.