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November 7, 2023

VIA: ELECTRONIC FILING

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

Re: Petition for Recovery of Costs Associated with Named Tropical Systems During the 2019-2022 Hurricane Seasons and Replenishment of Storm Reserve, by Tampa Electric Company
FPSC Dkt.: 20230019-EI

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Motion for Temporary Protective Order.

Thank you for your assistance in connection with this matter.

Sincerely,

A handwritten signature in blue ink that reads 'Malcolm N. Means'.

Malcolm N. Means

MNM/bml
Attachment

cc: All Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Recovery of Costs Associated with)
Named Tropical Systems during the 2019-2022)
Hurricane Seasons and Replenishment of)
Storm Reserve by Tampa Electric Company)
_____)

DOCKET NO.: 20230019-EI

FILED: November 7, 2023

**TAMPA ELECTRIC COMPANY'S
MOTION FOR 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 states:

1. On September 28, 2023, OPC served on Tampa Electric its Second Request for Production of Documents (No. 37) (“OPC’s Discovery Request”). This request asked for all workpapers related to PricewaterhouseCoopers’ (“PwC”) Report related to Hurricane Ian storm restoration costs.

2. On October 27, 2023, Tampa Electric served its response to OPC’s Discovery Request and stated that it would produce the requested workpapers for inspection at an agreed upon date and time. Since that date, Tampa Electric and OPC have agreed on a date and terms for inspection of the requested documents. Tampa Electric considers the requested workpapers to be proprietary confidential business information, and accordingly seeks a Temporary Protective Order to protect the requested documents against public disclosure during OPC’s review of the requested materials.

3. 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)(a)-(f), Florida Statutes. The confidential information that is the subject of this Motion falls within one or more of these statutory categories and, thus, constitutes proprietary confidential business information.

4. The requested workpapers contain PwC's methodologies, procedures, as well as notations, comments, and mental impressions. This information thus constitutes "trade secrets" regarding PwC's methodologies and procedures, and "information related to competitive interests, the disclosure of which would impair the competitive business" of PwC.

5. Public disclosure of this information would impair PwC's economic interests, and would adversely affect the economic interests of Tampa Electric and its customers in that future outside services firms would be disincentivized from performing similar work for Tampa Electric in the future.

6. 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.

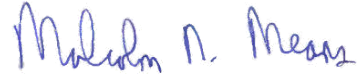
7. Tampa Electric requests a temporary protective order to allow OPC access to the confidential information while protecting the economic interests of Tampa Electric and its customers from the harm that would result from public disclosure of the above-referenced confidential information. Tampa Electric will work cooperatively with the parties to this proceeding to identify confidential information to be used at the final hearing in this docket and to request confidential classification as specified in the rule.

8. Tampa Electric maintains the confidential information 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 with the confidential information described above while maintaining the confidential nature of that information.

DATED this 7th day of November 2023.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

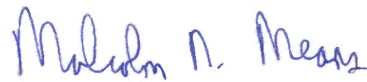
I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Protective Order, filed on behalf of Tampa Electric Company, has been furnished by electronic mail on this 7th day of November 2023 to the following:

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