



Attorneys and Counselors at Law
123 South Calhoun Street
P.O. Box 391 32302
Tallahassee, FL 32301

P: (850) 224-9115
F: (850) 222-7560

ausley.com

July 1, 2024

VIA HAND DELIVERY

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

REDACTED

RECEIVED-FPSC
2024 JUL -1 PM 4:37
COMMISSION
CLERK

In re: Petition for Rate Increase by Tampa Electric Company

DOCKET NO. 20240026-EI

In re: Petition for approval of 2023 Depreciation and
Dismantlement Study, by Tampa Electric Company

DOCKET NO. 20230139-EI

In re: Petition to implement 2024 Generation Base Rate
Adjustment provisions in Paragraph 4 of the 2021 Stipulation
and Settlement Agreement, by Tampa Electric Company

DOCKET NO. 20230090-EI

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Amended Request for Confidential Classification and Request for Temporary Protective Order of certain information contained in its answers to Office of Public Counsel's Tenth Set of Interrogatories (Nos. 174-186) and responses to OPC's Eleventh Request for Production of Documents (Nos. 133-145). Also attached are the public (redacted) version of these documents.

Thank you for your assistance in connection with this matter.

Sincerely,


Virginia Ponder

VLP/ne
Attachment

cc: All parties of record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase by Tampa Electric Company

DOCKET NO. 20240026-EI

In re: Petition for approval of 2023 Depreciation and Dismantlement Study, by Tampa Electric Company

DOCKET NO. 20230139-EI

In re: Petition to implement 2024 Generation Base Rate Adjustment provisions in Paragraph 4 of the 2021 Stipulation and Settlement Agreement, by Tampa Electric Company

DOCKET NO. 20230090-EI

FILED: July 1, 2024

**TAMPA ELECTRIC COMPANY'S AMENDED
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)

On May 3, 2024, Tampa Electric filed a Notice of Intent to Request Confidential Classification for portions of Office of Public Counsel's ("OPC") Tenth Set of Interrogatories (Nos. 174-186) ("OPC's Tenth Set").¹ Some of the interrogatories in OPC's Tenth Set seek information about, are based on, or derived from confidential information provided by Tampa Electric to OPC during the discovery process and for which the company has filed a request for

¹ See DN 02803-2024, filed on May 7, 2024, in Docket No. 20240026-EI.

confidential classification. Accordingly, portions of the individual interrogatories contained in OPC's Tenth Set constitute "proprietary confidential business information" as defined in Section 366.093, Florida Statutes. Pursuant to the Notice of Intent, Tampa Electric filed its Request for Confidential Classification on May 14th, 2024.² On May 23, 2024, Tampa Electric served its answers to OPC's Tenth Set and responses to OPC's Eleventh Request for Production of Documents (Nos. 133-145), and contemporaneously filed a Request for Confidential Classification and Request for Temporary Protective Order ("May 23 Request").³

Tampa Electric became aware of an error in its May 23 Request regarding OPC's Eleventh Request for Production of Documents, Number 140, as it relates to the designation of confidential information, and files this amendatory request. The company believes that portions of its responses as specified on Exhibit "A," constitute Confidential Information and has designated it as such by highlighting. Contemporaneous with the filing of this request, Tampa Electric submitted the Confidential Information to the Commission Clerk under a separate, confidential cover letter. Tampa Electric requests confidential classification for this information such that it will be entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes. 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

² See DN 03038-2024 filed on May 14, 2024, in Docket No. 20240026-EI.

³ See DN 03941-2024 filed on May 23, 2024, in Docket No. 20240026-EI.

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 request and motion falls within one or more of 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. Exhibit "B" contains the public versions of the Documents with Confidential Information.

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 respectfully requests that the Confidential Information that is the subject of this amended request and motion be accorded confidential classification for the reasons set forth herein and for 18 months.

DATED this 1st day of July, 2024.

Respectfully submitted,



J. JEFFRY WAHLEN
jwahlen@ausley.com
MALCOLM N. MEANS
mmeans@ausley.com
VIRGINIA L. PONDER
vponder@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 electronic copies of the foregoing amended request have been served by electronic mail on this 1st day of July, 2024 to the following:

Adria Harper
Carlos Marquez
Timothy Sparks
Daniel Dose
Florida Public Service Commission/OGC
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
aharper@psc.state.fl.us
cmarquez@psc.state.fl.us
tsparks@psc.state.fl.us
ddose@psc.state.fl.us
discovery-gcl@psc.state.fl.us

Walt Trierweiler
Patricia Christensen
Octavio Ponce
Charles Rehwinkel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
trierweiler.walt@leg.state.fl.us
christensen.patty@leg.state.fl.us
ponce.octavio@leg.state.fl.us
Rehwinkel.Charles@leg.state.fl.us

Bradley Marshall
Jordan Luebkmann
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
bmarshall@earthjustice.org
jluebkmann@earthjustice.org

Nihal Shrinath
2101 Webster Street, Suite 1300
Oakland, CA 94612
nihal.shrinath@sierraclub.org

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

Leslie R. Newton, Maj. USAF
Ashley N. George, Capt. USAF
AFLOA/JAOE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
Leslie.Newton.1@us.af.mil
Ashley.George.4@us.af.mil

Thomas A. Jernigan
AFCEC/JA-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
thomas.jernigan.3@us.af.mil

Ebony M. Payton
AFCEC-CN-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
Ebony.Payton.ctr@us.af.mil

Robert Scheffel Wright
John LaVia, III
Gardner, Bist, Wiener, Wadsworth, Bowden,
Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308
shef@gbwlegal.com
jlavia@gbwlegal.com

Sari Amiel
Sierra Club
50 F. Street NW, Eighth Floor
Washington, DC 20001
sari.amiel@sierraclub.org

Floyd R. Self
Ruth Vafek
Berger Singerman, LLP
313 North Monroe Street, Suite 301
Tallahassee, FL 32301
fself@bergersingerman.com
rvafek@bergersingerman.com

Hema Lochan
Earthjustice
48 Wall St., 15th Fl
New York, NY 10005
hlochan@earthjustice.org
flcaseupdates@earthjustice.org



ATTORNEY

EXHIBIT A
JUSTIFICATION FOR CONFIDENTIAL TREATMENT

Office of Public Counsel's Tenth Set of Interrogatories (Nos. 174-186)			
Interrogatory No.	Document Description	Description of Information	Justification
179, 180, 181, 182, 183, 184, and 185	Office of Public Counsel's Tenth Set of Interrogatories to Tampa Electric Company (Nos. 174-186).	The Highlighted Information.	(1)

Responses to Office of Public Counsel's Eleventh Request for Production of Documents (Nos. 133-145)			
Bates Number	Document Description	Description of Information	Justification
30601	Copies of all detailed information and related supporting documentation, including supporting information addressing the changes in the amount and percent of expenses allocated from Emera to TECO and all affiliates from 2021 to 2023 as provided in Tampa Electric's response to Office of Public Counsel's Eleventh Request for Production, No. 140.	<u>OPC POD 140</u> Row(s): 5, 7, 9, & 15 through 17; Column(s): C Row(s): 5 through 17; Column(s): E & F Row(s): 5, 7, 9, & 15 through 17; Column(s): G through I	(1)

Justifications

(1) The highlighted information relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. This information is protected by section 366.093(3)(e), Florida Statutes.

EXHIBIT B
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) attached on USB —