

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of Fuel) DOCKET NO. 870001-EI-A
 Adjustment Clauses of Electric) ORDER NO. 20335
 Utilities (Tampa Electric Company -) ISSUED: 11-18-88
 Gatliff Mine).)

ORDER REGARDING CONFIDENTIALITY

This is a tentative ruling regarding confidential nature of information filed with the Florida Public Service Commission in this docket. In the absence of a protest to this Order, this ruling will serve as a final determination with respect to the confidentiality of the matters in issue.

Pursuant to Rule 25-22.006(4)(a), Florida Administrative Code, Tampa Electric Company (TECO) has requested specified confidential treatment for certain filings in the above-styled docket before the Florida Public Service Commission. The particular filing for which specified confidential treatment is requested is as follows:

<u>DATE OF REQUEST</u>	<u>COMPANY</u>	<u>DOCKET NO.</u>	<u>DOCUMENT NUMBER(S)/REQUEST</u>
10/17/88	TECO	870001-EI-A	10934-88 - (TECO/Gatliff Coal Company Cost Supply Agreement dated 10/14/88; and TECO/TECO Transport Agreement Dated 10/14/88).

The above document contains information related to TECO's fuel contracts. Disclosure of this information, TECO contends, would likely impair its ability to negotiate future fuel and transportation contracts because potential bidders would be informed of current prices paid for these services.

Section 366.093(1), Florida Statutes, provides in pertinent part:

Upon request of the public utility, any records received by the Commission which are shown to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1).

Section 366.093(3), Florida Statutes, defines proprietary confidential business information as, among other things, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility to contract for services on favorable terms.

Rule 25-22.006(4)(c), Florida Administrative Code, provides in pertinent part:

"The burden of proof shall be on the source to show that the document or other material in question contains bona fide proprietary confidential business information. A request for specified confidential classification that fails to identify the proprietary information in sufficient detail to permit a reasoned analysis or which fails to provide a detailed justification for classification may be denied as insufficient on its face."

DOCUMENT NUMBER-DATE

12216 NOV 18 1988

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Based upon an examination of the above document, I find that TECO's request does not identify with sufficient detail the material for which specified confidential treatment is requested.

Therefore, it is

ORDERED that TECO's above Request for Specified Confidential Treatment is denied. It is further

ORDERED that if, pursuant to Rule 25-22.006(2)(f), Florida Administrative Code, a protest is filed within fourteen (14) days of the date of this Order, it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.006(3)(d), Florida Administrative Code.

By ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 18th day of November, 1988.

John T. Herndon
JOHN T. HERNDON, Commissioner
and Prehearing Officer

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