

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Allied
Universal Corporation and
Chemical Formulators, Inc.
Against Tampa Electric Company
for violation of Sections
366.03, 366.06(2) and 366.07,
F.S., with respect to rates
offered under
commercial/industrial service
rider tariff; petition to
examine and inspect confidential
information; and request for
expedited relief.

DOCKET NO.000061-EI
ORDER NO. PSC-00-1887-CFO-EI
ISSUED: October 16, 2000

ORDER GRANTING IN PART AND DENYING IN PART REQUEST FOR
CONFIDENTIAL TREATMENT OF DOCUMENT NO. 07871-00

On January 20, 2000, Allied Universal Corporation and Chemical Formulators, Inc. (Allied) filed a formal complaint against Tampa Electric Company (TECO). The complaint alleges that: 1) TECO violated Sections 366.03, 366.06(2), and 366.07, Florida Statutes, by offering discriminatory rates under its Commercial/Industrial Service Rider (CISR) tariff; and, 2) TECO breached its obligation of good faith under Order No. PSC-98-1081A-FOF-EI. On March 28, 2000, Odyssey Manufacturing Company (Odyssey) requested permission to intervene, and that request was granted on April 18, 2000, in Order No. PSC-00-0762-PCO-EI.

On June 28, 2000, Tampa Electric Company filed pursuant to Section 366.093, Florida Statutes, a request for confidential classification of portions of the Prepared Direct Testimony of William R. Ashburn.

The specific portions of the testimony for which TECO requests confidential classification are as follows:

- (1) Page 2, lines 20 through 25 and Page 3, line 1
- (2) Page 3, lines 12 through 22
- (3) Page 9, lines 22 and 25

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- (4) Page 10, line 1, through Page 13, line 3
- (5) Page 13, lines 8 through 14
- (6) Page 14, lines 7 through 17
- (7) Index, title of Document No. 2
- (8) Page 12 of Exhibit WRA-1, title of Document No. 2
- (9) Page 13 of Exhibit WRA-1, Document No. 2

TECO states that it deems the above referenced portions of the testimony as confidential.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the Company's burden to demonstrate that the documents fall into a statutory exemption or that the information is proprietary confidential business information, the disclosure of which will cause the Company or its ratepayers harm.

Section 366.093, Florida Statutes, defines "proprietary confidential business information" as:

[I]nformation, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

I find that the lines referenced in (1)-(6) and (9), above, meet the confidentiality criteria of Section 366.093, Florida Statutes. This information contains specific information regarding TECO's CISR negotiations with two customers. Public disclosure of this information would harm the two customers and TECO's ability to

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negotiate future Contract Service Agreements under the CISR tariff. In addition, both the customers and TECO treat this information as private. The above referenced pages and lines in Document No. 07871-00 shall be granted confidential classification pursuant to Section 366.093, Florida Statutes. Pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to this material expires in eighteen months, unless a renewed request for confidentiality is filed.

The lines referenced in lines (7) and (8), above, contain the title of a document. While the document is confidential the title is not. The title does not reveal any information in the document itself. The parties will not be harmed if the public knows that the document exists. Furthermore, TECO revealed the existence of the document at the August 1, 2000, Agenda Conference. Therefore, the lines referenced in (7) and (8) are not confidential under Section 366.093, Florida Statutes.

Based on the foregoing, it is therefore

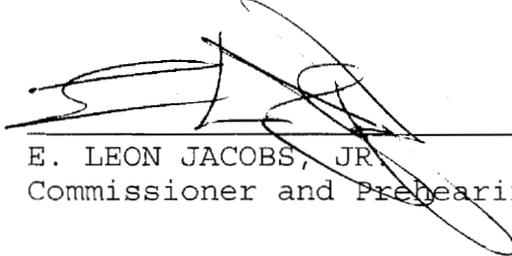
ORDERED by E. Leon Jacobs, Jr., as Prehearing Officer, that the request by Tampa Electric Company for confidential treatment of information in Document No. 07871-00 is granted in part and denied in part as described in the body of this Order. It is further

ORDERED that pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order, unless of a renewed request for confidentiality is filed in accordance with Section 366.093(4), Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 16th day of October, 2000.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

MKS/jb

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such

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review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.