

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of  
Commercial/Industrial Service  
Rider Tariff by Tampa Electric  
Company.

DOCKET NO. 980706-EI  
ORDER NO. PSC-00-2258-CFO-EI  
ISSUED: November 28, 2000

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO TAMPA ELECTRIC  
COMPANY'S COMMERCIAL/INDUSTRIAL SERVICE RIDER REPORT FOR QUARTER  
ENDING MARCH, 2000 (DOCUMENT NO. 07092-00)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Tampa Electric Company (TECO or Company) has requested specified confidential treatment for certain information contained in TECO's Commercial/Industrial Service Rider (CISR) Report for the quarter ending March, 2000. This request for confidential classification was filed on June 9, 2000. The confidential information is located in Document No. 07092-00.

TECO contends that release of the information contained in the CISR Report could cause harm to both TECO and any entity that has entered into the Contract Service Agreement (CSA). At the present time, TECO has only one customer with which it has negotiated a CSA contract under the CISR tariff. TECO maintains that the information for which confidential classification is sought, is intended to be, and is treated by TECO as private, and has not been publicly disclosed. Accordingly, the Company requests that the information be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.

INFORMATION FOR WHICH CONFIDENTIAL CLASSIFICATION IS SOUGHT

TECO specifically requests confidential classification for the negotiated CSA rate, annual revenues from the customer and the escalation rate of the negotiated rate.

CSA Rate

TECO asserts that disclosure of this rate would be harmful to Tampa Electric in its future CSA negotiations with other at-risk customers. Additionally, TECO contends that those customers, if made aware of this CSA customer's negotiated rate, would know immediately to demand at least the equivalent rate rather than perhaps settling for a higher rate that might be adequate for their decision making purposes. According to TECO, this would cause TECO's customers to be the ultimate losers if this information is

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made public. Therefore, TECO maintains that this information is entitled to confidential protection under Section 366.093, Florida Statutes.

#### Annual Revenues of CISR Customer

TECO contends that the CSA information shows the revenues from the CISR customer. The Company asserts that a competitor of the customer could use this information to "back into" the negotiated CSA rate to the detriment of the CISR customer. TECO asserts that this would have a chilling effect on its ability to negotiate CSA's with other at-risk customers in the future. As such, TECO maintains that this information is entitled to confidential protection under Section 366.093, Florida Statutes.

#### Escalation Rate

TECO asserts that the escalation rate is a negotiated rate, the public disclosure of which would cause future at-risk customers to demand at least the equivalent rate rather than perhaps settling for a lower rate. Therefore, TECO contends that this rate is entitled to confidential protection under Section 366.093, Florida Statutes.

#### CONCLUSION

Upon review, the information described above appears to be proprietary, confidential business information within the meaning of Section 366.093(3), Florida Statutes. Therefore, TECO's request for confidential classification of information contained in its Commercial/Industrial Service Rider Report for the quarter ending March, 2000, is granted.

Section 366.093(4), Florida Statutes, provides that "any finding by the Commission that records contain proprietary confidential business information is effective for a period not to exceed 18 months, unless good cause is shown for a specified longer period." TECO did not specify a time period in its request. Therefore, this information shall be granted confidential classification for a period of 18 months from the date of issuance of this Order.

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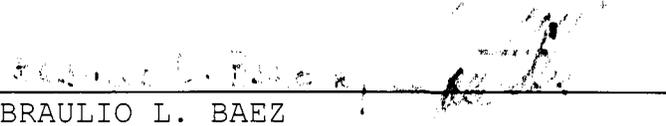
It is therefore

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the request by Tampa Electric Company that the information contained in its Commercial/Industrial Service Rider Report for the quarter ending March, 2000, be granted confidential classification, is approved. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 07092-00 shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 28th day of November, 2000.

  
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BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

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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.

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 25-22.038(2), 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 review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.