

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power
cost recovery clause and
generating performance incentive
factor.

DOCKET NO. 010001-EI
ORDER NO. PSC-01-2061-CFO-EI
ISSUED: October 18, 2001

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN
INFORMATION SUPPLIED BY TAMPA ELECTRIC COMPANY IN RESPONSES TO
STAFF'S SECOND SET OF INTERROGATORIES (NOS. 2 THROUGH 8)
(DOCUMENT NO. 09138-01)

On August 16, 2001, Tampa Electric Company ("TECO"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, filed a request for confidential classification for certain information supplied in response to Staff's Second Set of Interrogatories (Nos. 2-8). The information for which TECO seeks confidential classification was filed with the Commission as Document No. 09138-01. TECO asserts that the portions of the information contained in the Responses to Staff's Second Set of Interrogatories, for which confidential classification is sought, are proprietary, confidential business information within the meaning of Section 366.093(d) and (e), Florida Statutes. TECO also states that disclosure of the specified information contained in Document No. 09138-01 would impair TECO's competitive interests.

TECO asserts that the information for which it seeks confidential classification is intended to be and is treated by TECO and its affiliates as confidential private information and has not been publicly disclosed.

Specifically, TECO requests that confidential classification be provided for the following information:

- (1) The information in all lines of all six columns in the right two thirds of each page on pages 2-9 of the Response to Interrogatory No. 5;
- (2) The information in all lines of all six columns in the right two thirds of each page on pages 3-10 of the Response to Interrogatory No. 6;

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- (3) The information in all lines of columns d and e of the Response to Interrogatory No. 7;
- (4) The information in all lines of all columns other than the column indicating the year and month on page 13 of the Response to Interrogatory No. 6;
- (5) The information in all lines of the right hand column showing the seller(s) on pages 11-12 of the Response to Interrogatory No. 6; and,
- (6) The information in all lines of column a of the Response to Interrogatory No. 7.

TECO states that the information in (1), (2), and (3) listed above shows details regarding megawatt hour sales, energy charges, and total revenue dollars for competitive wholesale power sales. TECO maintains that public disclosure of this information would provide TECO's competitors with highly useful information with which to compete against TECO in the wholesale power market. Thus, TECO asserts that this information is specifically entitled to confidential classification under Section 366.093(3), Florida Statutes, because disclosure would impair the competitive business of TECO.

In addition, TECO asserts that the information in (3) and (4) listed above divulges the dollar per megawatt hour rate at which TECO has purchased wholesale power in the recent past. TECO maintains that disclosure of this information would supply potential sellers of wholesale power to TECO with information allowing them to press for a higher price than these sellers would otherwise be able to obtain from TECO. In addition, TECO states that these wholesale power sellers would be able to profile TECO's power purchase pricing on a detailed month by month basis. TECO contends that revealing this information would impair TECO's ability to competitively contract for purchased power. As such, TECO states that this information is expressly entitled to confidential classification pursuant to Section 366.093, Florida Statutes.

TECO states that the information in (5) above reveals those wholesale power suppliers from whom TECO has recently purchased

wholesale power. Additionally, TECO declares that the information in (6) above exposes the identity of TECO's wholesale power customers. TECO maintains that disclosure of the information contained in (5) and (6) above would enable TECO's competitors to better profile TECO's wholesale power purchase options by disclosing the parties with whom TECO has wholesale power transactions. TECO contends that this is information directly related to TECO's competitive interests, which is explicitly protected pursuant to Section 366.093, Florida Statutes.

Upon review, it appears as if the foregoing information is proprietary confidential business 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." Section 366.093(3)(d), Florida Statutes. This information also appears to be "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Section 366.093(3)(e), Florida Statutes. Accordingly, it is granted confidential classification.

Section 366.093(4), Florida Statutes provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, unless the Commission finds good cause to specify a longer period. TECO did not request an extension to this period of classification. As such, the information contained in Document No. 09138-01 shall be granted confidential classification for a period of eighteen months from the date of issuance of this Order.

Based on the foregoing, it is

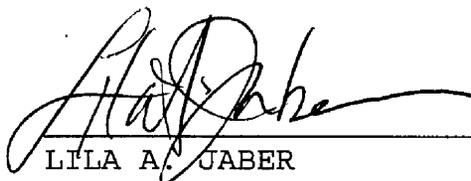
ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that Tampa Electric Company's Request for Confidential Classification is granted as set forth in the body of this Order. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 09138-01 is granted confidential classification for a period of eighteen months from the date of this Order. It is further

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

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 18th day of October, 2001.



LILA A. JABER

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.

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

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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 the Commission Clerk and Administrative Services, 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.