

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 020001-EI
ORDER NO. PSC-02-0228-CFO-EI
ISSUED: February 22, 2002

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR CERTAIN
INFORMATION SUPPLIED BY TAMPA ELECTRIC COMPANY IN RESPONSE TO
STAFF'S FOURTH SET OF INTERROGATORIES
(DOCUMENT NO. 14375-01)

On November 13, 2001, Tampa Electric Company (TECO) filed on a confidential basis its answers to Staff's Fourth Set of Interrogatories, Interrogatories Nos. 149, 150, and 153, together with a Notice of Intent to Seek Confidential Classification pursuant to Rule 25-22.006, Florida Administrative Code. On December 4, 2001, 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 the November 13, 2001 answers. The information for which TECO seeks confidential classification was filed with the Commission as Document No. 14375-01. TECO asserts that the portions of the information contained in the answers to Staff's Fourth 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. 14375-01 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 as confidential 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 the four highlighted columns on bate stamp pages 44, 46, 63, 65, 66, 68, 70, 72, 74 and 76 of the Answer to Interrogatory No. 149;

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- (2) The information in all lines of the two highlighted columns on bate stamp pages 89, 91, 92, 94-96, 98-100, 102-105, 107, 109-111, 113, 115, 117, 118, 120, 122, 124, 126, 132, 134-142 of the Answer to Interrogatory No. 150, and;
- (3) The information in all lines of the four highlighted columns on bate stamp pages 158-160 of the Answer to Interrogatory No. 153.

TECO states that the information in (1), (2), and (3) listed above is price related information concerning TECO's market based wholesale power transactions, the public disclosure of which would harm its competitive interests in the wholesale power market. TECO maintains that the information concerns bids or other contractual data the disclosure of which would impair the efforts of TECO or its affiliates to contract for goods or services on favorable terms. 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 states that the information in (3) above is not published on an hour by hour basis. It is only submitted on TECO's FERC Form 1 on an annual basis. Disclosure of the information would enable TECO's competitors to model TECO's wholesale purchases and sales on an hourly basis to the detriment of TECO and its retail customer. As such, TECO argues that this information is expressly entitled to confidential classification 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

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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.

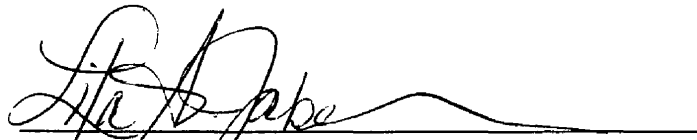
Based on the foregoing, it is

ORDERED by Chairman 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

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 Chairman Lila A. Jaber, as Prehearing Officer, this 22nd day of February, 2002.



LILA A. JABER
Chairman and Prehearing Officer

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