

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's
2004-2008 waterborne transportation contract
with TECO Transport and associated
benchmark.

DOCKET NO. 031033-EI
ORDER NO. PSC-04-0544-CFO-EI
ISSUED: May 26, 2004

ORDER GRANTING IN PART AND DENYING IN PART REQUEST
FOR CONFIDENTIAL CLASSIFICATION

(DOCUMENT NOS. 04023-04, 04026-04, 04033-04, 04086-04, 04087-04, 04137-04)

On April 14, 2004, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Tampa Electric Company (Tampa Electric) filed a request for confidential classification of portions of the prepared testimony and exhibits of intervenor witnesses in this proceeding (Document Nos. 04023-04, 04026-04, 04033-04, 04086-04, 04087-04, 04137-04). On April 26, 2004, Office of Public Counsel (OPC) and the Florida Industrial Power Users Group (FIPUG) filed a Joint Response in Opposition to Tampa Electric's Request pertaining to OPC/FIPUG witnesses Majoros and Wells (Document Nos. 04023-04 and 04026-04).

Section 366.093(1), Florida Statutes, provides that "any records received by the commission which are shown and found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from [the Public Records Act]." Section 366.093(3), Florida Statutes, defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to "[t]rade secrets" (subsection a), "[i]nformation 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" (subsection d) and "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" (subsection e).

Tampa Electric contends that portions of the prepared testimony and exhibits of intervenor witnesses in this proceeding fall within these categories and thus constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Tampa Electric states that this information is intended to be and is treated by Tampa Electric as private and has not been publicly disclosed.

DOCUMENT NUMBER-DATE

06028 MAY 26 3

FPSC-COMMISSION CLERK

Tampa Electric requests confidential classification for the specific data listed in Attachment A to this order, which is incorporated herein by reference. The justification for Tampa Electric's request for confidential classification of this specific data is also set forth in Attachment A.

In their Joint Response, FIPUG and OPC argue that the Non-Disclosure Agreement between Tampa Electric and FIPUG, relied on by Tampa Electric in its confidentiality request, provides no justification to award materials confidential status. FIPUG and OPC state that the Agreement clearly reserves FIPUG's right to challenge any claim of confidentiality. FIPUG and OPC further state that Tampa Electric's rationales for its claims of confidentiality for information in the testimony and exhibits of FIPUG and OPC witnesses are insufficient and often inaccurate and misleading.

Upon review, I find that this information is confidential for the reasons identified by the company, with the exception of a portion of Exhibit RFW-4 to CSX Transportation (CSX) witness Robert F. White's testimony and portions of the testimony and exhibits of OPC/FIPUG witness Michael J. Majoros, Jr. Page 1 of 9 of Exhibit RFW-4 to Mr. White's testimony is a letter to Tampa Electric regarding the CSX proposal. The letter, with the exception of lines 3-6, contains information available to the public and would not impair efforts of the utility to contract for goods and services on favorable terms. Therefore, confidential classification is granted for Page 1 of 9, lines 3-6 of Exhibit RFW-4 and denied for the remainder of Exhibit RFW-4 to Mr. White's testimony.

With regard to the testimony and exhibits of Mr. Majoros, confidential classification is denied for the following information:

- 1) Bates Stamp Page No. 2, lines 7, 9, and 12. Tampa Electric states that these items contain information about actual contract rates paid for coal and coal transportation services, that they reveal information about terms and conditions of Tampa Electric's existing contracts, and that they may be used to derive other confidential proprietary business information. These justifications do not appear to apply to any of the information listed in Bates Stamp Page No. 2, lines 7, 9, and 12.
- 2) Bates Stamp Page No. 26, line 12, second figure. Tampa Electric states that this information is the proprietary work product of Dibner Maritime Associates LLC. Tampa Electric further states that the information contains the actual transportation rates paid by Tampa Electric and that the information discloses contract rates Tampa Electric has paid for coal or for coal transportation services. Mr. Majoros does not divulge how this ocean rate is calculated and it does not appear to fit the other characterizations in Tampa Electric's justification.

- 3) Bates Stamp Page No. 28, lines 1-2. This is the same information for which confidential classification is denied on Bates Stamp Page No. 2.
- 4) Exhibit MJM-5, Page 1 of 8, Column (6), Row (3). This is the same information for which confidential classification is denied on Bates Stamp Page No. 26.
- 5) Exhibit MJM-5, Page 1 of 8, Column (8), Rows (3) and (4). This is the same information for which confidential classification is denied on Bates Stamp Page Nos. 2 and 26.
- 6) Exhibit MJM-5, Page 7 of 8, Left Column. This column contains a list of the river docks from which domestic coal is shipped to Tampa Electric. River dock information is available publicly from other documents. This information does not constitute proprietary confidential business information.

Pursuant to Section 366.093(4), Florida Statutes, the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18 month period, the confidential information will no longer be exempt from Section 119.07(1), Florida Statutes, unless Tampa Electric or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

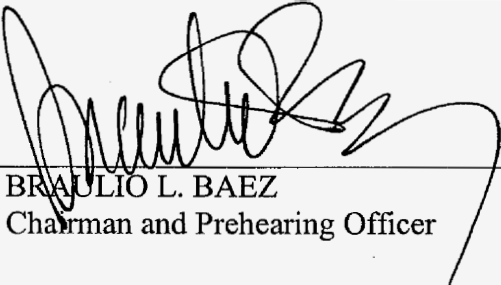
ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that Tampa Electric Company's Request for Confidential Classification of Document Nos. 04023-04, 04026-04, 04033-04, 04086-04, 04087-04, and 04137-04 is granted in part and denied in part, as set forth in the body of this order. It is further

ORDERED that the information in Document Nos. 04023-04, 04026-04, 04033-04, 04086-04, 04087-04, and 04137-04 for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of 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.

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PAGE 4

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 26th day of
May, 2004.



BRAULIO L. BAEZ
Chairman and Prehearing Officer

(S E A L)

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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 Administrative Code; or (2) 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.

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF INTERVENOR TESTIMONY AND EXHIBITS**

Robert L. Sansom, Ph.D. – March 29, 2004

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|------------------------|------------------------|------------------------------------|-------------------------|
| 8 | 9 | The Yellow Highlighted Information | (6), (8) |
| 8 | 10 | The Yellow Highlighted Information | (6), (8) |
| 8 | 11 | The Yellow Highlighted Information | (6) |
| 8 | 12 | The Yellow Highlighted Information | (6), (8) |
| 8 | 14 | The Yellow Highlighted Information | (6), (8) |
| 8 | 15 | The Yellow Highlighted Information | (6), (8) |
| 8 | 18 | The Yellow Highlighted Information | (6), (8) |
| 8 | 22 | All Yellow Highlighted Information | (6), (8) |
| 9 | 6 | All Yellow Highlighted Information | (6), (8) |
| 11 | 7 | All Yellow Highlighted Information | (7) |
| 11 | 9 | The Yellow Highlighted Information | (7) |
| 11 | 13 | All Yellow Highlighted Information | (7) |
| 14 | Table 1 | All Yellow Highlighted Numbers | (6), (8) |
| 15 | 1 | The Yellow Highlighted Information | (6), (8) |
| 15 | Table 2 | All Yellow Highlighted Numbers | (6), (8) |
| 15 | 16 | The Yellow Highlighted Information | (6), (8) |
| 19 | 13 | The Yellow Highlighted Information | (6), (8) |
| 19 | 14 | The Yellow Highlighted Information | (6), (8) |
| 19 | 16 | The Yellow Highlighted Information | (6), (8) |

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|-----------------|-----------------|---|------------------|
| 21 | 17 | All Yellow Highlighted Information | (1), (7) |
| 21 | 18 | The Yellow Highlighted Information | (1), (7) |
| 22 | 2 | All Yellow Highlighted Information | (1) |
| 22 | 3 | The Yellow Highlighted Information | (1) |
| 22 | 6 | The Yellow Highlighted Information | (1) |
| 22 | 9 | The First Yellow Highlighted Information | (1) |
| 22 | 9 | The Second Yellow Highlighted Information | (1), (7) |
| 22 | 10 | The First Yellow Highlighted Information | (1), (7) |
| 22 | 10 | The Second Yellow Highlighted Information | (1) |
| 22 | 11 | The Yellow Highlighted Information | (1) |
| 22 | 13 | All Yellow Highlighted Information | (1), (7) |
| 23 | 16 | The Yellow Highlighted Information | (1), (6), (8) |
| 23 | 19 | The Yellow Highlighted Information | (1), (6), (8) |
| 23 | 23 | All Yellow Highlighted Information | (1), (6), (8) |
| 24 | 1 | The Yellow Highlighted Information | (1), (6), (8) |
| 24 | 2 | The Yellow Highlighted Information | (1), (6), (8) |
| 24 | 6 | All Yellow Highlighted Information | (1), (6), (8) |
| 26 | 15 | The Yellow Highlighted Information | (6) |
| 27 | 9 | The Yellow Highlighted Information | (9) |
| 27 | 10 | All Yellow Highlighted Information | (9) |
| 27 | 11 | The Yellow Highlighted Information | (9) |
| 27 | 12 | The Yellow Highlighted Information | (7), (9) |

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|-----------------|---|------------------|
| 27 | 13 | The Yellow Highlighted Information | (7), (9) |
| 27 | 14 | The Yellow Highlighted Information | (7), (9) |
| 28 | 10 | The Yellow Highlighted Information | (7) |
| 28 | 11 | The Yellow Highlighted Information | (7) |
| 28 | 14 | All Yellow Highlighted Information | (6), (7) |
| 29 | 2 | The Yellow Highlighted Information | (9) |
| 29 | Table 3 | All Yellow Highlighted Information | (7), (9) |
| 29 | 11 | The Yellow Highlighted Information | (6), (7) |
| 29 | 14 | The Yellow Highlighted Information | (7), (9) |
| 30 | 2 | The Yellow Highlighted Information | (6), (8), (9) |
| 30 | 18 | The Yellow Highlighted Information | (9) |
| 30 | 19 | The Yellow Highlighted Information | (9) |
| 31 | 1 | The Yellow Highlighted Information | (9) |
| 31 | 2 | The Yellow Highlighted Information | (9) |
| 31 | 3 | The Yellow Highlighted Information | (9) |
| 31 | 5 | The Yellow Highlighted Information | (9) |
| 31 | 6 | The Yellow Highlighted Information | (9) |
| 31 | 7 | The Yellow Highlighted Information | (9) |
| 31 | 12 | The Yellow Highlighted Information | (9) |
| 31 | 19 | The First Yellow Highlighted Information | (2) |
| 31 | 19 | The Second Yellow Highlighted Information | (1) |
| 32 | Table 4 | The Yellow Highlighted Information in the Title | (2) |

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|-----------------|---|------------------|
| 32 | Table 4 | The Yellow Highlighted Information in Title in Column 2 | (2) |
| 32 | Table 4 | All Yellow Highlighted Information in Column 2 | (1), (3) |
| 32 | Table 5 | The Yellow Highlighted Information in Title | (2) |
| 32 | Table 5 | The Yellow Highlighted Information in Title in Column 2 | (2) |
| 32 | Table 5 | All Yellow Highlighted Information in Column 2 | (1), (3) |
| 32 | 12 | The Yellow Highlighted Information | (1), (6), (8) |
| 33 | 4 | The Yellow Highlighted Information | (2) |
| 33 | 5 | The Yellow Highlighted Information | (2) |
| 33 | 10 | The Yellow Highlighted Information | (2) |
| 33 | 12 | All Yellow Highlighted Information | (2) |
| 35 | 7 | The Yellow Highlighted Information | (7) |
| 36 | 18 | The Yellow Highlighted Information | (9) |
| 36 | 19 | All Yellow Highlighted Information | (7) |
| 36 | 20 | The Yellow Highlighted Information | (7) |
| 36 | 21 | The Yellow Highlighted Information | (7) |
| 36 | 22 | The Yellow Highlighted Information | (7) |
| 37 | 7 | The Yellow Highlighted Information | (6), (8), (9) |
| 37 | 8 | The Yellow Highlighted Information | (1) |
| 37 | 9 | The Yellow Highlighted Information | (10) |
| 37 | 10 | The Yellow Highlighted Information | (10) |

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|-----------------|---|------------------|
| 37 | 14 | The Yellow Highlighted Information | (6), (8), (9) |
| 37 | 15 | The Yellow Highlighted Information | (1) |
| 37 | 16 | The Yellow Highlighted Information | (1), (6), (10) |
| 37 | 17 | The Yellow Highlighted Information | (1), (6), (10) |
| 37 | 21 | The First Yellow Highlighted Number | (1) |
| 37 | 21 | The Second and Third Yellow Highlighted Numbers | (1), (7) |
| 37 | 23 | The Yellow Highlighted Information | (1), (6), (10) |
| 37 | 24 | The Yellow Highlighted Information | (1), (6), (10) |
| 40 | 20 | The Yellow Highlighted Information | (7) |
| 43 | 15 | All Yellow Highlighted Information | (4) |
| 43 | 16 | The Yellow Highlighted Information | (4) |
| 48 | 6 | The Yellow Highlighted Information | (1), (6), (8) |
| 48 | 7 | The Yellow Highlighted Information | (1), (6), (8) |
| 48 | 8 | The Yellow Highlighted Information | (1), (6), (8) |

Exhibit of Robert L. Sansom

| <u>Page No.</u> | <u>Ex. No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------------------|----------------|-------------------------------------|-----------------------------|
| 1 of 9 through 9 of 9 | (RLS-3) | All Information on the Listed Pages | (1) |
| 1 of 1 | (RLS-4) | All Information on the Listed Page | (1) |
| 1 of 1 | (RLS-6a) | All Information on the Listed Page | (1), (6), (8), (9), (10) |
| 1 of 1 | (RLS-6b) | All Information on the Listed Page | (1), (6), (8), (9), (10) |

| <u>Page No.</u> | <u>Ex. No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|----------------|------------------------------------|-----------------------------|
| 1 of 1 | (RLS-6c) | All Information on the Listed Page | (1), (6), (8), (9), (10) |
| 1 of 1 | (RLS-9a) | All Information on the Listed Page | (1), (6), (8), (9), (10) |
| 1 of 1 | (RLS-9b) | All Information on the Listed Page | (1), (6), (8), (9), (10) |
| 1 of 1 | (RLS-9c) | All Information on the Listed Page | (1), (6), (8), (9), (10) |

Robert F. White – March 29, 2004

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
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| 9 | 5 | All Yellow Highlighted Information | (1) |
| 9 | 6 | The Yellow Highlighted Information | (1) |
| 9 | 7 | The Yellow Highlighted Information | (1) |
| 9 | 9 | The Yellow Highlighted Information | (1), (7) |
| 9 | 10 | All Yellow Highlighted Information | (1), (7) |
| 9 | 28 | The Yellow Highlighted Information | (1) |
| 11 | Table 1 | All Yellow Highlighted Information | (1) |
| 12 | Table 2 | All Yellow Highlighted Information | (1) |
| 13 | Table 3 | All Yellow Highlighted Information | (1) |
| 13 | Table 4 | All Yellow Highlighted Information | (1) |
| 17 | 2 | The Yellow Highlighted Information | (1) |
| 17 | 3 | All Yellow Highlighted Information | (1) |

Exhibit of Robert F. White

| <u>Page No.</u> | <u>Ex. No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|--------------------------------|-----------------------|-------------------------------------|-------------------------|
| 1 of 9 through 9 of 9 | (RFW-4) | All Information on the Listed Pages | (1) |
| 1 of 1 | (RFW-5) | All Information on the Listed Page | (1) |
| 1 of 2 through 2 of 2 | (RFW-6) | All Information on the Listed Pages | (1) |
| 1 of 2 through 2 of 2 | (RFW-7) | All Information on the Listed Pages | (1) |
| 1 of 1 | (RFW-8) | All Information on the Listed Page | (1) |
| 1 of 59 through 59 of 59 | (RFW-10) | All Information on the Listed Pages | (1) |

John B. Stamberg, P.E. – March 29, 2004

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|------------------------|------------------------|------------------------------------|-------------------------|
| 12 | 9 | The Yellow Highlighted Information | (1), (7) |
| 12 | 12 | The Yellow Highlighted Information | (1), (7) |
| 13 | 6 | The Yellow Highlighted Information | (1), (7) |
| 13 | 7 | The Yellow Highlighted Information | (1) |
| 13 | 15 | The Yellow Highlighted Information | (1) |
| 13 | 20 | The Yellow Highlighted Information | (1) |
| 14 | 6 | The Yellow Highlighted Information | (1) |
| 14 | 8 | The Yellow Highlighted Information | (1) |
| 14 | 10 | The Yellow Highlighted Information | (1) |

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|-----------------|------------------------------------|------------------|
| 14 | 19 | The Yellow Highlighted Information | (1), (7) |
| 14 | 20 | The Yellow Highlighted Information | (1) |
| 15 | 1 | The Yellow Highlighted Information | (1) |
| 15 | 5 | The Yellow Highlighted Information | (1) |
| 15 | 6 | The Yellow Highlighted Information | (1) |
| 15 | 9 | The Yellow Highlighted Information | (1) |
| 15 | 13 | The Yellow Highlighted Information | (1) |
| 15 | 15 | The Yellow Highlighted Information | (1), (7) |
| 15 | 16 | The Yellow Highlighted Information | (1) |
| 15 | 19 | The Yellow Highlighted Information | (1) |
| 15 | 22 | The Yellow Highlighted Information | (1) |
| 17 | 7 | The Yellow Highlighted Information | (1) |
| 17 | 15 | The Yellow Highlighted Information | (1) |
| 17 | 16 | The Yellow Highlighted Information | (1) |
| 17 | 17 | The Yellow Highlighted Information | (1) |
| 17 | 20 | The Yellow Highlighted Information | (1) |
| 17 | 22 | All Yellow Highlighted Information | (1) |
| 18 | 1 | The Yellow Highlighted Information | (1) |
| 18 | 2 | The Yellow Highlighted Information | (1) |
| 18 | 3 | The Yellow Highlighted Information | (1) |
| 18 | 14 | The Yellow Highlighted Information | (1) |
| 18 | 23 | The Yellow Highlighted Information | (1) |

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|-----------------|---|------------------|
| 18 | 24 | The Yellow Highlighted Information | (1) |
| 19 | 5 | The Yellow Highlighted Information | (1) |
| 19 | 7 | The Yellow Highlighted Information | (1) |
| 19 | 12 | The Yellow Highlighted Information | (1) |
| 19 | 13 | The Yellow Highlighted Information | (1) |
| 19 | 17 | The Yellow Highlighted Information | (1) |
| 19 | 22 | The Yellow Highlighted Information | (1) |
| 20 | 13 | The Yellow Highlighted Information | (1) |
| 21 | Table | The Yellow Highlighted Information in Column 2 | (1) |
| 21 | Table | The Yellow Highlighted Information in Columns 3 and 4 | (10) |
| 22 | 17 | The Yellow Highlighted Information | (1) |
| 25 | 3 | The Yellow Highlighted Information | (1), (7) |
| 25 | 12 | The Yellow Highlighted Information | (1) |
| 25 | 14 | The Yellow Highlighted Information | (4) |
| 25 | 15 | The Yellow Highlighted Information | (4) |
| 25 | 16 | The Yellow Highlighted Information | (4) |
| 25 | 17 | The First Yellow Highlighted Number | (1), (10) |
| 25 | 17 | The Second Yellow Highlighted Number | (1), (7) |
| 25 | 18 | The Yellow Highlighted Information | (1), (7) |
| 25 | 21 | The Yellow Highlighted Information | (4) |
| 25 | 23 | The Yellow Highlighted Information | (4) |

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|-----------------|-----------------|------------------------------------|------------------|
| 26 | 2 | All Yellow Highlighted Information | (4) |
| 26 | 3 | All Yellow Highlighted Information | (4) |
| 26 | 4 | The Yellow Highlighted Information | (4) |
| 29 | 21 | The Yellow Highlighted Information | (4) |
| 31 | All | All Information on the Listed Page | (4) |
| 32 | 4 | The Yellow Highlighted Information | (4) |
| 32 | 5 | The Yellow Highlighted Information | (4) |
| 32 | 11 | The Yellow Highlighted Information | (4) |
| 32 | 12 | All Yellow Highlighted Information | (4) |
| 32 | 13 | All Yellow Highlighted Information | (4) |
| 32 | 17 | All Yellow Highlighted Information | (4) |
| 32 | 18 | All Yellow Highlighted Information | (4) |
| 33 | Table | All Information in the Table | (4) |
| 33 | 7 | The Yellow Highlighted Information | (1), (4) |
| 33 | 8 | The Yellow Highlighted Information | (1), (4) |
| 34 | 22 | The Yellow Highlighted Information | (4) |
| 35 | 3 | The Yellow Highlighted Information | (4) |
| 35 | 20 | All Yellow Highlighted Information | (4) |
| 37 | 10 | The Yellow Highlighted Information | (4), (7) |
| 37 | 17 | The Yellow Highlighted Information | (4) |
| 38 | 21 | All Yellow Highlighted Information | (4) |
| 38 | 22 | The Yellow Highlighted Information | (4) |

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
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| 39 | 15 | The Yellow Highlighted Information | (4) |
| 39 | 16 | All Yellow Highlighted Information | (4) |
| 40 | 11 | All Yellow Highlighted Information | (4) |
| 40 | 13 | The Yellow Highlighted Information | (4) |
| 40 | 14 | The Yellow Highlighted Information | (1) |
| 40 | 15 | The Yellow Highlighted Information | (1), (4), (10) |
| 40 | 17 | The Yellow Highlighted Information | (4) |
| 40 | 18 | The Yellow Highlighted Information | (4) |
| 40 | 19 | The Yellow Highlighted Information | (4) |
| 41 | 11 | The Yellow Highlighted Information | (4) |
| 41 | 12 | All Yellow Highlighted Information | (4), (10) |
| 41 | 19 | The Yellow Highlighted Information | (1) |
| 42 | 3 | All Yellow Highlighted Information | (1) |
| 42 | 4 | The Yellow Highlighted Information | (1), (4) |
| 42 | Table | All Yellow Highlighted Information in Columns 4 and 5 | (4) |
| 42 | 11 | The Yellow Highlighted Information | (1), (7) |
| 45 | 14 | The Yellow Highlighted Information | (1), (7) |
| 45 | 15 | The Yellow Highlighted Information | (1), (7) |
| 45 | 18 | The Yellow Highlighted Information | (1), (7) |
| 45 | 19 | The Yellow Highlighted Information | (1), (7) |

John B. Stamberg Exhibit

| <u>Page No.</u> | <u>Ex. No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------------------------|-----------------------|-------------------------------------|-------------------------|
| 1 of 1 | (JBS-8) | All Information on the Listed Page | (4) |
| 1 of 44 through 44 of 44 | (JBS-9) | All Information on the Listed Pages | (4) |
| 1 of 107 through 107 of 107 | (JBS-10) | All Information on the Listed Pages | (4) |

Michael J. Majoros, Jr. – March 29, 2004

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|------------------------|------------------------|------------------------------------|-----------------------------|
| 2 | 7 | The Yellow Highlighted Information | (6), (9), (10) |
| 2 | 9 | The Yellow Highlighted Information | (6), (8), (10) |
| 2 | 10 | The Yellow Highlighted Information | (6), (8) |
| 2 | 12 | The Yellow Highlighted Information | (6), (9), (10) |
| 8 | 21 | The Yellow Highlighted Information | (1), (6), (8), (9), (10) |
| 8 | 22 | The Yellow Highlighted Information | (1), (6), (8), (9), (10) |
| 13 | 22 | The Yellow Highlighted Information | (1), (5) |
| 15 | 23 | All Yellow Highlighted Information | (5), (6), (8), (9) |
| 15 | 25 | The Yellow Highlighted Information | (1), (6), (8), (9) |
| 21 | 18 | The Yellow Highlighted Information | (5), (6) |
| 26 | 12 | All Yellow Highlighted Information | (5), (6), (8) |
| 26 | 18 | All Yellow Highlighted Information | (5), (6), (8) |

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|-----------------|--------------------------------------|---------------------|
| 26 | Footnote 41 | The Yellow Highlighted Information | (5), (6), (8) |
| 27 | 6 | The Yellow Highlighted Information | (5), (6), (8) |
| 28 | 1 | The Yellow Highlighted Information | (6), (9), (10) |
| 28 | 2 | The Yellow Highlighted Information | (6), (8), (10) |
| 28 | 3 | The Yellow Highlighted Information | (6), (8) |
| 29 | 8 | The Yellow Highlighted Information | (6), (8), (10) |
| 29 | 9 | The First Yellow Highlighted Number | (6), (8), (10) |
| 29 | 9 | The Second Yellow Highlighted Number | (1), (6), (8), (10) |
| 29 | 10 | The Yellow Highlighted Information | (5), (6), (8) |
| 29 | 11 | The Yellow Highlighted Information | (5), (6), (8) |
| 29 | 15 | The Yellow Highlighted Information | (1), (10) |
| 29 | Footnote 46 | The Yellow Highlighted Information | (1) |
| 29 | Footnote 48 | The Yellow Highlighted Information | (1) |

Michael J. Majoros Exhibit

| <u>Page No.</u> | <u>Ex. No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|----------------|--|------------------|
| 1 of 4 | (MJM-3) | All Yellow Highlighted Information | (5), (7), (8) |
| 2 of 4 | (MJM-3) | All Yellow Highlighted Information | (5), (7), (8) |
| 3 of 4 | (MJM-3) | All Yellow Highlighted Information | (5), (7), (8) |
| 4 of 4 | (MJM-3) | All Yellow Highlighted Information | (5), (6), (8) |
| 1 of 8 | (MJM-5) | All Yellow Highlighted Information in Column (1) | (6), (8) |

| <u>Page No.</u> | <u>Ex. No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|----------------|--|-----------------------------|
| 1 of 8 | (MJM-5) | All Yellow Highlighted Information in Column (2) | (5), (6), (8) |
| 1 of 8 | (MJM-5) | The Yellow Highlighted Information in Column (3) | (1) |
| 1 of 8 | (MJM-5) | The Yellow Highlighted Information in Column (4) | (1) |
| 1 of 8 | (MJM-5) | The Yellow Highlighted Information in Column (5) | (1) |
| 1 of 8 | (MJM-5) | All Yellow Highlighted Information in Column (6) | (5), (6), (8) |
| 1 of 8 | (MJM-5) | All Yellow Highlighted Information in Column (8) | (5), (6), (8) (10) |
| 2 of 8 | (MJM-5) | All Information on the Listed Page | (5), (6), (8) |
| 3 of 8 | (MJM-5) | All Information in Columns 1-4 | (1), (6), (8) |
| 3 of 8 | (MJM-5) | All Information in Column 5 | (1), (2) |
| 4 of 8 | (MJM-5) | All Information on the Listed Page | (5), (6), (8) |
| 5 of 8 | (MJM-5) | All Information in Column 2 | (1) |
| 6 of 8 | (MJM-5) | All Information in Column 1 | (5), (6), (8) |
| 6 of 8 | (MJM-5) | All Information in Column 2 | (1), (2), (3) |
| 7 of 8 | (MJM-5) | All Information in Column 1 | (6), (8) |
| 7 of 8 | (MJM-5) | All Information in Column 2 | (1), (2), (3) |
| 7 of 8 | (MJM-5) | All Information in Column 3 | (2), (5), (6), (8), (10) |
| 8 of 8 | (MJM-5) | All Information on the Listed Page | (5), (6), (7), (8) |

H. G. (Pat) Wells – March 29, 2004

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|------------------------|------------------------|------------------------------------|-------------------------|
| 6 | 22 | All Yellow Highlighted Information | (2) |
| 7 | 1-5 | All Yellow Highlighted Information | (2) |
| 7 | 17 | The Yellow Highlighted Information | (2) |
| 7 | 19 | The Yellow Highlighted Information | (2) |
| 8 | 9 | The Yellow Highlighted Information | (2) |
| 8 | 12 | The Yellow Highlighted Information | (2) |
| 8 | 18 | The Yellow Highlighted Information | (2) |
| 8 | 20 | The Yellow Highlighted Information | (2) |
| 9 | 8 | The Yellow Highlighted Information | (1) |
| 9 | 16 | The Yellow Highlighted Information | (2) |
| 9 | 20 | The Yellow Highlighted Information | (2) |
| 9 | 21 | The Yellow Highlighted Information | (2) |
| 9 | 22 | The Yellow Highlighted Information | (2) |
| 9 | 23 | The Yellow Highlighted Information | (2) |
| 10 | 3 | The Yellow Highlighted Information | (2) |
| 10 | 5 | The Yellow Highlighted Information | (2) |
| 10 | 6 | The Yellow Highlighted Information | (2) |

H. G. (Pat) Wells Exhibit

| <u>Page No.</u> | <u>Ex. No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|------------------------|-----------------------|------------------------------------|-------------------------|
| 1018 | (HGW-4) | All Information on the Listed Page | (1) |
| 1027 | (HGW-5) | All Information on the Listed Page | (1) |

Dr. Anatoly Hochstein – March 31, 2004

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|-----------------|------------------------------------|-----------------------|
| 10 | 20 | All Yellow Highlighted Information | (2) |
| 11 | 3 | The Yellow Highlighted Information | (2) |
| 11 | 5 | The Yellow Highlighted Information | (2) |
| 11 | 7 | The Yellow Highlighted Information | (2) |
| 18 | 23 | The Yellow Highlighted Information | (2) |
| 19 | 1 | The Yellow Highlighted Information | (2) |
| 19 | 2 | The Yellow Highlighted Information | (2) |
| 19 | 8 | The Yellow Highlighted Information | (2) |
| 27 | 8 | The Yellow Highlighted Information | (2) |
| 28 | 18 | The Yellow Highlighted Information | (5) |
| 28 | 19 | The Yellow Highlighted Information | (5) |
| 29 | 4 | The Yellow Highlighted Information | (2) |
| 29 | 7 | The Yellow Highlighted Information | (2) |
| 29 | 8 | The Yellow Highlighted Information | (2) |
| 29 | 10 | The Yellow Highlighted Information | (2) |
| 29 | 12 | The Yellow Highlighted Information | (2) |
| 29 | 13 | The Yellow Highlighted Information | (2) |
| 29 | 16 | The Yellow Highlighted Information | (5), (6), (8) |
| 29 | 17 | All Yellow Highlighted Information | (5), (6), (8) (10) |
| 32 | 11 | The Yellow Highlighted Information | (2) |

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|-----------------|------------------------------------|------------------|
| 34 | 9 | The Yellow Highlighted Information | (2) |
| 36 | 3 | The Yellow Highlighted Information | (2) |
| 43 | 12 | The Yellow Highlighted Information | (5) |
| 43 | 13 | The Yellow Highlighted Information | (5) |
| 44 | 11 | The Yellow Highlighted Information | (5) |
| 46 | 20 | The Yellow Highlighted Information | (5), (6), (8) |
| 54 | 20 | The Yellow Highlighted Information | (5), (7) |
| 55 | 12 | The Yellow Highlighted Information | (10) |
| 55 | 13 | The Yellow Highlighted Information | (6), (8) |
| 55 | 14 | The Yellow Highlighted Information | (6), (8) |
| 55 | 16 | The Yellow Highlighted Information | (6), (8) |
| 57 | 15 | The Yellow Highlighted Information | (6) |
| 57 | 17 | The Yellow Highlighted Information | (6), (8) |
| 59 | 12 | The Yellow Highlighted Information | (5) |
| 60 | 13 | The Yellow Highlighted Information | (6), (8) |
| 63 | 9 | The Yellow Highlighted Information | (6), (8), (10) |
| 68 | 9 | The Yellow Highlighted Information | (6), (8), (10) |
| 69 | 4 | The Yellow Highlighted Information | (6), (8) |
| 69 | 6 | The Yellow Highlighted Information | (6), (8) |
| 69 | 8 | The Yellow Highlighted Information | (6), (8) |
| 69 | 12 | The Yellow Highlighted Information | (6), (8), (10) |
| 69 | 16 | The Yellow Highlighted Information | (6), (8), (10) |
| 69 | 23 | The Yellow Highlighted Information | (6), (8), (10) |

| <u>Page No.</u> | <u>Line No.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|-----------------|-----------------|------------------------------------|------------------|
| 71 | 3 | All Yellow Highlighted Information | (6), (8), (10) |
| 71 | 9 | The Yellow Highlighted Information | (6), (8), (10) |
| 71 | 21 | The Yellow Highlighted Information | (6), (8), (10) |
| 72 | 19 | The Yellow Highlighted Information | (6), (8), (10) |
| 72 | 20 | The Yellow Highlighted Information | (6), (8), (10) |
| 74 | 9 | The Yellow Highlighted Information | (6), (8), (10) |
| 74 | 12 | The Yellow Highlighted Information | (6), (8), (10) |

-
- (1) The information in question contains bid information provided in response to Tampa Electric's RFP or information contained in prior proposals relating to coal transportation. Disclosing bidders' identities and the information included in their confidential proposals would discourage those bidders from participation in future RFPs as they do not desire for their competitors to have access to the terms and conditions under which they will bid on transportation services. This information, in conjunction with publicly disclosed information, would allow a competitor to back into the contract rates established for Tampa Electric's contract with TECO Transport. As such public disclosure of the information in question would adversely affect the competitive interests of TECO Transport and the bidders and the ability of Tampa Electric to contract for goods and services on favorable terms. The disclosure of this information would therefore be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.
- (2) The information in question reveals the identity of bidders that submitted proposals in response to Tampa Electric's RFP. Disclosing bidders identities and the information included in their confidential proposals would discourage those bidders from participation in future RFPs as they do not desire for their competitors to have access to the terms and conditions under which they will bid on transportation services. As such public disclosure of this information would adversely affect the competitive interests of the bidders and the ability of Tampa Electric to contract for goods and services on favorable terms. The disclosure of this information would therefore be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.

- (3) The information in question includes Tampa Electric's bid evaluation assumptions that reveal planned operations and existing contractual data. As such public disclosure of the information contained on these pages would adversely affect the competitive interests of Tampa Electric and its ability to contract for goods and services on favorable terms. The disclosure of this information would therefore be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.
- (4) The information in question contains the proprietary work product of Tampa Electric's consultant, Sargent and Lundy or "S&L". The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to gather and update the information and develop methods of analysis. This information is in the nature of a trade secret owned by S&L. It is also in the nature of information relating to competitive interests, the disclosure of which would impair S&L's competitive business interests by diminishing the demand for S&L's proprietary work product. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), Florida Statutes.
- (5) The information in question contains the proprietary work product of Tampa Electric's consultant, Dibner Maritime Associates LLC or "DMA". The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to gather and update the information and develop methods of analysis. This information is in the nature of a trade secret owned by DMA. It is also in the nature of information relating to competitive interests, the disclosure of which would impair DMA's competitive business interests by diminishing the demand for DMA's proprietary work product. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), Florida Statutes.
- (6) The information in question contains information about the contract terms and rates that were paid for transportation services under Tampa Electric's contracts with TECO Transport during the period 1998 through 2003 or that will be paid for transportation services under Tampa Electric's contract with TECO Transport that took effect January 1, 2004. This information is competitive contractual information, the disclosure of which would be harmful to the position of TECO Transport in negotiating future contracts with other clients. Disclosing this information would also harm Tampa Electric's position in determining rates for future transportation contracts since the providers bid responses might be influenced if they had knowledge of the previous or current contract rates. The disclosure of this information would therefore be harmful to TECO Transport's competitive interests and to the ability of Tampa Electric to contract for goods and services on favorable terms, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.
- (7) The information in question contains a detailed description of Tampa Electric's expected coal needs by type and from different areas on the waterborne supply course during the RFP period (2004-2008). Inasmuch as the company has not already contracted for all of its expected coal needs during the 2004 through 2008 period, public disclosure of this

information would harm the company's negotiating position in its attempts to purchase coal at the most economic rate. Consequently, this information, as well, is entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

- (8) The information discloses in great detail Tampa Electric Company's commodity contract rates and transportation rates, by contract on a projected basis going out a number of years into the future. Public disclosure of this information would provide in minute detail the company's projected rates for all of the detailed components of the company's projected fuel and fuel transportation costs. As such, this information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. These types of rates on a commodity and segmented transportation basis have been recognized by the Commission on numerous occasions to constitute proprietary confidential business information the disclosure of which would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms and, likewise, harmful to the competitive interests of Tampa Electric and its affiliate, TECO Transport Corporation. This is the specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law.
- (9) The information in question discloses confidential proprietary terms and conditions of Tampa Electric's competitively negotiated existing contracts for goods or services. Public disclosure of this information would adversely affect Tampa Electric and the providers of goods and services to Tampa Electric under the existing contract in future contract negotiations. This would adversely affect Tampa Electric and its ratepayers and chill the market participation of future providers of goods and services to Tampa Electric. As such, the information in question is entitled to confidential treatment under Section 366.093(3)(d) and (e), Florida Statutes.
- (10) This information, although not necessarily confidential in and of itself, if made public would allow one to "back into" confidential proprietary business information. As such this information needs to be protected in order to not disclose other information that is confidential.