

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 070007-EI  
ORDER NO. PSC-07-0997-CFO-EI  
ISSUED: December 11, 2007

ORDER GRANTING TAMPA ELECTRIC COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
(DOCUMENT NO. 09631-07)

On October 22, 2007, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Tampa Electric Company ("TECO") filed a request for confidential classification of certain highlighted information contained in its answers to Staff's Second Set of Interrogatories (Nos. 2-8) and Staff's Second Request for Production of Documents (No. 2) in this docket (Document No. 09631-07). TECO argues that the highlighted information set forth on Bates stamp page 6 of its Answers to Staff's Second Set of Interrogatories (Nos. 2-8) and Bates stamp page 2 of its Answers to Staff's Second Request for Production of Documents (No. 2) should be accorded confidential classification and protection from public disclosure. Additionally, TECO states that this information is intended to be and is treated by TECO as private and has not been publicly disclosed.

Regarding its answer to Interrogatory Number 4, TECO argues that disclosure of the highlighted information would provide allowance market participants knowledge as to the average price TECO believes it will be able to secure for allowances it may sell during the balance of 2007 and during 2008. TECO contends that disclosure of this information would enable potential purchasers of allowances to pay a lower price for TECO's allowances than they might otherwise be willing to pay if they did not have the information regarding its projected price for allowance sales.

Regarding its answer to Interrogatories 6 and 7 and the Production of Documents Number 2, TECO alleges that the highlighted information in question would adversely affect Tampa Electric and its customers in that it would disclose to market participants the allowance quantities that TECO projects it will have available for sale during the balance of 2007 and all of 2008. TECO further asserts that having information regarding the availability of TECO's supply of allowances would enable potential purchasers to adjust their demand accordingly to secure the lowest possible price for allowances purchased from TECO and that this would adversely affect TECO and its customers.

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

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operations, and has not been voluntarily disclosed to the public. Section 366.093(3)(d) and (e), Florida Statutes, provides that proprietary confidential business information includes, but is not limited to “[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;” and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.”

Upon review, it appears that the material for which confidential classification is sought satisfies the criteria set forth in Section 366.093(3), Florida Statutes, for classification as proprietary confidential business information and, thus, shall be treated as confidential. The information constitutes “[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,” or “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, this information is granted confidential classification.

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 TECO 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 Commissioner Matthew M. Carter II, as Prehearing Officer, that Tampa Electric Company’s Request for Confidential Classification of Document No. 09631-07 is granted. It is further

ORDERED that the information in Document No. 09631-07 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

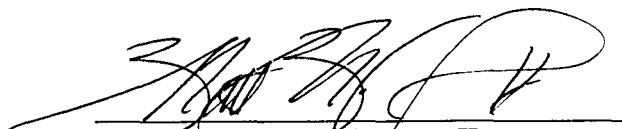
ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

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By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 11th  
day of December, 2007.



MATTHEW M. CARTER II  
Commissioner and Prehearing Officer

( S E A L )

MCB/tfw

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 Office of Commission Clerk, 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.