

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 120001-EI  
ORDER NO. PSC-12-0367-CFO-EI  
ISSUED: July 17, 2012

ORDER GRANTING TAMPA ELECTRIC COMPANY'S REQUEST FOR CONFIDENTIAL  
CLASSIFICATION (DOCUMENT NO. 01191-12)

On March 1, 2012, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Tampa Electric Company (TECO) filed a Request for Confidential Classification (Request) of certain highlighted information contained in Schedule A12, Page 2 of 2 (Bates Stamp page 37) for the period January 2011-December 2011 (Document 01191-12.) This Request was filed in Docket No. 120001-EI.

Section 366.093(1), F.S., 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 Section 119.07(1) [the Public Records Act]." Section 366.093(3), F.S., 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 (3)(d) and (e) of Section 366.093 F.S., 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."

TECO contends that the information for which confidential classification is sought falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S. and Rule 25-22.006, F.A.C. TECO contends that the information shows actual purchase amounts pursuant to confidential contracts negotiated by and between TECO and certain energy providers. As such, TECO states, the information in question is information concerning bids or other contractual data the disclosure of which would impair TECO's efforts to contract for goods and services on favorable terms. TECO adds that the information relates to competitive interests the disclosure of which would impair its competitive business. TECO asserts that it treats the information as confidential information and has not disclosed it publicly.

Time Period For Confidential Classification

TECO does not request confidential classification for this information for a period exceeding 18 months. According to Section 366.093(4), F.S., confidential classification may

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only extend for 18 months from the issuance of an Order granting confidential classification unless “the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period.”

Ruling

Upon review, it appears that TECO is entitled to confidential classification of the information contained in Document No. 01191-12. The information described above appears to be “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,” and “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Sections 366.093(3)(d) and (e), F.S. The public disclosure of any of this information could reduce TECO’s competitiveness in the marketplace. Therefore, TECO’s request for confidential classification of the information contained in Schedule A12, Page 2 of 2 (Bates Stamp page 37) for the period January 2011-December 2011 is granted.

Pursuant to Section 366.093(4), F.S., 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. Accordingly, the information identified in Document No. 01191-12, shall be granted confidential classification for a period of 18 months from the 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), F.S., 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 Eduardo E. Balbis, as Prehearing Officer, that Tampa Electric Company’s requests for confidential treatment of portions of Document No. 01191-12 is granted as set forth in the body of this Order. It is further

ORDERED that the information referenced in Document No. 01191-12 shall be granted confidential classification for a period of eighteen months from the date of the issuance of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 17th day of July, 2012.



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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.