

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential classification of document request responses and portions of staff's audit report entitled Review of the Payment Arrangement Programs Offered by the Florida Electric Industry by Tampa Electric Company.

DOCKET NO. 120202-EI
ORDER NO. PSC-12-0429-CFO-EI
ISSUED: August 17, 2012

ORDER GRANTING TAMPA ELECTRIC COMPANY'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR
TEMPORARY PROTECTIVE ORDER (DOCUMENT NO. 04291-12)

On June 28, 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) requested confidential classification (Request) of a certain document included in the Commission's Review of Investor-Owned Utilities Payment Arrangement Programs (DN 04291-12).

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)(e) of Section 366.093, F.S., provides that proprietary confidential business information includes, but is not limited to "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

The information TECO seeks to be protected is more specifically described in a line-by-line/field by field justification in Exhibit A to the Request, attached hereto. TECO also states in Exhibit A that disclosing the maximum duration of a credit arrangement could encourage customers who do not need or request a payment arrangement, to seek such an arrangement if they were aware that they could obtain an additional amount of time to pay their bills. These actions might cause a delay in TECO's overall collection of amounts owed for electricity, which, in turn, could increase the company's cost of doing business. Such increases in the cost of doing business would ultimately have a negative impact on all utility customers.

Time Period For Confidential Classification

TECO requests confidential classification for this information for a period exceeding 18 months in Exhibit C to the Request. TECO requests that the information be treated as confidential for a period of three years "as the company does not plan on altering its payment

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arrangement maximum duration in the foreseeable future.” According to Section 366.093(4), F.S., confidential classification may extend for more than 18 months from the issuance of an Order granting confidential classification if “the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period.”

Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information constitutes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Thus, the information identified in Document No. 04291-12 shall be granted confidential classification.

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 three years from the date of issuance of this Order. At the conclusion of the three-year 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. TECO asserts that it will follow up with a request to renew confidential treatment “before the end of the requested three-year period.”

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Tampa Electric Company’s Request for Confidential Classification and Motion for Temporary Protective Order for Document No. 04291-12 is granted. It is further

ORDERED that the information in Document No. 04291-12 for which confidential classification has been granted shall remain protected from disclosure for a period of three years 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. It is further

ORDERED that this docket shall be closed.

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



EDUARDO E. BALBIS
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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.

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF
HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC'S REPORT**

<u>Document Description</u>	<u>Detailed Description</u>	<u>Rationale</u>
Pages 35 and 39 of the report entitled Review of the Payment Arrangement Programs Offered by the Florida Electric Industry	The yellow highlighted numbers	(1)
Staff Audit Workpaper entitled Tampa Electric Company, Undocketed: Customer Payment Arrangements, filed April 6, 2012 and bearing Bates stamp page 44	The yellow highlighted number	(1)
An unnumbered landscape formatted Staff Audit Workpaper entitled Document #: 5 in the upper left hand corner and containing "Tampa Electric Credit Score" and "Guidelines" subheadings in the lower portion of the page	The yellow highlighted number	(1)

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- (1) Disclosing the maximum duration or a credit arrangement could encourage customers who might not otherwise need or request a payment arrangement to request one if they are informed that they can get an additional period of time to pay their bills. This could delay Tampa Electric's collection of amounts owed for electric service which, in turn, could increase the company's cost of doing business. Increases in the cost of doing business ultimately negatively impact all utility customers. Under Section 366.093(3), Florida Statutes, proprietary confidential business information includes information the disclosure of which would cause harm to the ratepayers or the business operations of the company that relies on the confidential business information. Both of those impacts would occur if the maximum number of days of a payment arrangement is disclosed publicly.

Exhibit "A"
