

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Polk 2-5  
combined cycle conversion, by Tampa Electric  
Company.

DOCKET NO. 120234-EI  
ORDER NO. PSC-12-0643-CFO-EI  
ISSUED: December 5, 2012

ORDER GRANTING TAMPA ELECTRIC COMPANY'S REQUEST FOR CONFIDENTIAL  
CLASSIFICATION AND MOTION FOR TEMPORARY PROTECTIVE ORDER  
(DOCUMENT NO. 07840-12)

On November 26, 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 or Company) filed a Request for Confidential Classification and Motion for Temporary Protective Order for portions of its responses to Staff's Fourth Set of Interrogatories (No. 98, Bates stamp pages 35-36), Staff's Fourth Request for Production of Documents (No. 28, Bates stamp page 2 and Nos. 29 and 30 contained on separate confidential CD) (Document No. 07840-12).

TECO asserted that the confidential information contained in Document No. 07840-12 meets the statutory definition of and constitutes proprietary confidential business information entitled to protection as outlined in Section 366.093, F.S., and Rule 25-22.006, F.A.C. The information pertains to bids, contractual data, and personnel information, the disclosure of which would impair TECO and its affiliates' efforts to contract favorably. TECO requested confidential classification for the information for a period of at least 18 months. The justification for the confidential classification and temporary protective order is attached hereto and incorporated herein as Attachment A.

Pursuant to Section 366.093(1), F.S., information that this Commission finds to be proprietary confidential business information must be kept confidential and exempt from Section 119.07(1), F.S., [the Public Records Act]. Proprietary confidential business information is defined as information that: (1) 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 (2) has not been voluntarily disclosed to the public. Pursuant to Section 366.093, F.S., proprietary confidential business information includes, but is not limited to, information relating to bids, other contractual data, competitive interests, or employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. Section 366.093, F.S., also requires that the disclosure of the information for which confidential classification is requested will impair the competitive business of the provider of the information.

I find that the information contained in Document No. 07840-12 meets the criteria set forth in Section 366.093, F.S., for classification as proprietary confidential business information. The information relates, in part, to bids, contractual data, and employee personnel information,

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and public disclosure of this information will impair the competitive business of TECO and its affiliates. Therefore, I find it appropriate to grant TECO's Request for Confidential Classification and Motion for Temporary Protective Order for the information contained in Document No. 07840-12.

Based on the foregoing, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that Tampa Electric Company's Request for Confidential Classification of information contained in Document No. 07840-12, as described in Attachment A, is granted. It is further

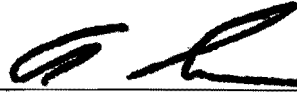
ORDERED that Tampa Electric Company's Motion for a Temporary Protective Order for the information contained in Document No. 07840-12, is granted. It is further

ORDERED that the information contained in Document No. 07840-12 for which confidential classification and temporary protective order have been granted shall, subject to the requirements of Rule 25-22.006(6)(c), Florida Administrative Code, remain protected from disclosure for a period of 18 months from the date of issuance of this Order. It is further

ORDERED that 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 Company or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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.

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 5th day of  
December, 2012.



ART GRAHAM

Commissioner and Prehearing Officer  
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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 DOCUMENT NO. 07840-12

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF  
HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC'S RESPONSES  
TO STAFF'S FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS AND  
STAFF'S FOURTH SET OF INTERROGATORIES (FILED NOVEMBER 26, 2012)**

| <u>POD/Interrogatory<br/>No.</u> | <u>Bates Page<br/>Nos.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|----------------------------------|----------------------------|-----------------------------|------------------|
| POD 28                           | 2                          | All Highlighted Information | (1)(2)(3)(4)     |
| POD 29                           | CD                         | Entire CD                   | (1)(2)(3)(4)     |
| POD 30                           | CD                         | Entire CD                   | (1)(2)(3)(4)     |
| IRR 98                           | 35-36                      | All Highlighted Information | (5)              |

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- 1) The information contained on the listed pages contains the proprietary work product of Tampa Electric's consultants, Wood Mackenzie or "WM". The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to develop expertise, gather and update information and develop methods of analysis. This information is in the nature of a trade secret owned by WM. It is also in the nature of information relating to competitive interests, the disclosure of which would impair WM's competitive business interests by diminishing the demand for WM'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.
  - 2) The information contained on the listed pages contains the proprietary work product of Tampa Electric's consultants, Argus. The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to develop expertise, gather and update information and develop methods of analysis. This information is in the nature of a trade secret owned by Argus. It is also in the nature of information relating to competitive interests, the disclosure of which would impair Argus' competitive business interests by diminishing the demand for Argus' 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.
  - 3) The information contained on the listed pages contains the proprietary work product of Tampa Electric's consultants, JD Energy, Inc. or "JDC". The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to develop expertise, gather and update information and develop methods of analysis. This information is in the nature of a trade secret owned by JDC. It is also in the nature of information relating to competitive interests, the disclosure of which would impair JDC's competitive business interests by diminishing the demand for

JDC'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.

- 4) The information contained on the listed pages reveals Tampa Electric's strategic planning for fuel supply maintenance and detailed information about the company's inventory and in transit levels. Knowledge of these details would allow suppliers and potential suppliers a negotiation advantage in the event that the company needed to purchase coal during a fuel supply emergency, such as a miner's strike or elevated terror alert level. 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.
- 5) The information discloses, in great detail, Tampa Electric Company's 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 detail 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. 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.