

MACFARLANE AUSLEY FERGUSON & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 281 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(904) 224-8115 FAX (904) 222-7580

111 MADISON STREET, SUITE 2300
P.O. BOX 1531 (ZIP 33601)
TAMPA, FLORIDA 33602
(813) 273-4200 FAX (813) 273-4396

400 CLEVELAND STREET
P.O. BOX 1888 (ZIP 34617)
CLEARWATER, FLORIDA 34618
(813) 441-8965 FAX (813) 442-8470

June 16, 1994

HAND DELIVERED

IN REPLY REFER TO:

Tallahassee

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

ORIGINAL
FILE COPY

Re: Fuel and Purchased Power Cost Recovery Clause
and Generating Performance Incentive Factor
FPSC Docket No. 940001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa Electric Company's Request for Specified Confidential Treatment of portions of Forms 423-1(a), 423-2, 423-2(a), 423-2(b) and 423-2(c) for the month of April 1994.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

RECEIVED & FILED
MOS
DIVISION OF RECORDS
Sincerely,

Lee L. Willis

LLW/pp
encls.

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER-DATE
05943 JUN 16 1994
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause and) DOCKET NO. 940001-EI
Generating Performance Incentive) FILED: June 16, 1994
Factor.)
_____)

**TAMPA ELECTRIC COMPANY'S
REQUEST FOR SPECIFIED CONFIDENTIAL TREATMENT**

Pursuant to §366.093, Fla. Stat., Tampa Electric Company ("Tampa Electric" or "the company") submits the following Request for Specified Confidential Treatment of the company's Forms 423-1(a), 423-2, 423-2(a), 423-2(b) and 423-2(c) for the month of April 1994:

1. Attached hereto as Exhibit "A" is a detailed justification for the requested confidential treatment of the highlighted portions of Tampa Electric's 423 Forms for the month of April 1994.

2. Tampa Electric requests that the information for which Tampa Electric seeks confidential classification not be declassified until the dates specified in Exhibit "B" to this request. The time periods requested are necessary to allow Tampa Electric's affiliated companies to negotiate future contracts without their competitors (and other Customers) having access to information which would adversely affect the ability of these affiliates to negotiate future contracts. The period of time requested will ultimately protect Tampa Electric and its Customers.

3. The material for which classification is sought is intended to be and is treated by Tampa Electric and its affiliates

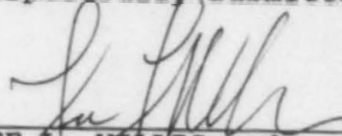
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05943 JUN 16 84
FPSC-RECORDS/REPORTING

as private and has not been disclosed.

WHEREFORE, Tampa Electric submits the foregoing as its request for confidential treatment of the information identified as Exhibit "A".

DATED this 16th day of June, 1994.

Respectfully submitted,



LEE L. WILLIS and
JAMES D. BEASLEY
Macfarlane Ausley Ferguson & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(904) 224-9115

Attorneys for Tampa Electric Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Request for Specified Confidential Treatment, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail on this 11th day of JUNE 1994 to the following individuals:

Ms. Donna Canzano*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Mr. James A. McGee
Senior Counsel
Florida Power Corporation
Post Office Box 14042
St. Petersburg, FL 33733

Mr. Joseph A. McGlothlin
McWhirter, Reeves, McGlothlin,
Davidson & Bakas
315 S. Calhoun St., Suite 716
Tallahassee, FL 32301

Mr. Jack Shreve
Office of Public Counsel
Room 812
111 West Madison Street
Tallahassee, FL 32399-1400

Mr. Matthew M. Childs
Steel Hector & Davis
215 S. Monroe St., Suite 601
Tallahassee, FL 32301

Mr. John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin,
Davidson & Bakas
Post Office Box 3350
Tampa, FL 33601

Mr. Robert Goldman
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz
Post Office Box 1876
Tallahassee, FL 32301-1876

Mr. B. Kenneth Gatlin
Gatlin, Woods, Carlson & Cowdery
1709-D Mahan Drive
Tallahassee, FL 32308

Mr. Jeffrey Stone
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32576

Mr. Richard A. Zambo
Richard A. Zambo, P.A.
598 S.W. Hidden River Avenue
Palm City, FL 34990

Ms. Zori G. Ferkin
Dewey Ballentine
1775 Pennsylvania Avenue, N.W.
Washington, D. C. 20006-4605

Mr. David M. Kleppinger
McNees, Wallace & Nurick
Post Office Box 1166
Harrisburg, PA 17108-1166

Ms. Suzanne Brownless
Suzanne Brownless P.A.
2546 Blairstone Pines Drive
Tallahassee, FL 32301



ATTORNEY

*By hand delivery

TAMPA ELECTRIC COMPANY

Docket No. 940001-EI
June, 1994

Justification for Confidentiality of April, 1994 Report:
Tampa Electric Company

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-1(a)	1 - 21	H	(1)
423-1(a)	1 - 21	I	(2)
423-1(a)	1 - 21	J	(2)
423-1(a)	1 - 21	K	(2)
423-1(a)	1 - 21	L	(2)
423-1(a)	1 - 21	M	(2), (3)
423-1(a)	1 - 21	N	(2), (4)
423-1(a)	1 - 21	O	(2)

Rationale for Confidentiality:

- (1) This information is contractual information which, if made public, "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. The information shows the price which Tampa Electric has paid for No. 2 fuel oil per barrel for specific shipments from specific suppliers. This information would allow suppliers to compare an individual supplier's price with the market "for that date of delivery" and thereby determine the contract pricing formula between Tampa Electric and that supplier.

Disclosure of the invoice price would allow suppliers to determine the contract price formula of their competitors. The knowledge of each other's prices would give suppliers information with which to actually control the pricing in No. 2 oil by either all quoting a particular price or adhering to a price offered by a major supplier. This could reduce or eliminate any opportunity for a major buyer, like Tampa Electric, to use its market presence to gain price concessions from any individual supplier. The end result is reasonably likely to be increased No. 2 fuel oil prices and, therefore, increased electric rates.

Exhibit "A"

- (2) The contract data found in Columns I through O are algebraic functions of Column H. Thus, the publication of these columns together, or independently, could allow a supplier to derive the invoice price of No. 2 oil paid by Tampa Electric.
- (3) For fuel that does not meet contract requirements, Tampa Electric may reject the shipment, or accept the shipment and apply a quality adjustment. This is, in effect, a pricing term which is as important as the price itself and is therefore confidential for the reasons stated in paragraph (1) relative to price concessions.
- (4) This column is as important as H from a confidentiality standpoint because of the relatively few times that there are quality or discount adjustments. That is, Column N will equal Column H most of the time. Consequently, it needs to be protected for the same reason as set forth in paragraph (1).

**Justification for Confidentiality of April, 1994 Report:
Electro-Coal Transfer Facility - Big Bend Station**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2	1 - 11	G	(1), (3)
423-2	1 - 11	H	(2)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additionally, prohibiting the purchase price would enable one to ascertain the total transportation charges by subtracting the effective purchase price from the delivered price at the transfer facility, shown in Column I. Any competitor with knowledge of the total transportation charges would be able to use that information in conjunction with the published delivered price at the Electro-Coal Transfer Facility to determine the segmented transportation costs, i.e., the separate breakdown of transportation charges for river barge transport and for deep water transportation across the Gulf of Mexico from the transfer facility to Tampa. It is this segmented transportation cost data which is proprietary and confidential. The disclosure of the segmented transportation costs would have a direct impact on Tampa Electric's future fuel and transportation contracts by informing potential bidders of current prices paid for services provided. That harm, which would flow to Tampa Electric and its Customers from such disclosure, was the subject of Prepared Direct Testimony of Mr. John R. Rowe, Jr. on behalf of Tampa Electric in Docket No. 860001-EI-D. A copy of Mr. Rowe's Direct Testimony from the September 29, 1986 hearing in that docket is attached hereto as Exhibit "A" and by reference made a part hereof.

In the Commission's Order No. 12645 issued in Docket No. 830001-EU on November 3, 1983 (In re: Investigation of Fuel Adjustment Clauses of Electric Utilities), the Commission prescribed the current 423 Form filings. In so doing, the Commission observed:

Next, we must determine whether any portion of the monthly reports should be accorded confidential treatment. We agree that certain portions of the monthly reports will contain proprietary confidential business information. However, many portions of the monthly reports will not. The proprietary information for all types of fuel is transportation. Any breakout

of transportation costs must be treated confidentially. In addition, F.O.B. mine prices for coal is proprietary in nature as is the price of fuel oil. Disclosure of separate transportation or F.O.B. mine prices would have a direct impact on a utility's future fuel and transportation contracts by informing potential bidders of current prices paid for services. Disclosure of fuel oil prices would have an indirect effect upon bidding suppliers. Suppliers would be reluctant to provide significant price concessions to an individual utility if prices were disclosed because other purchasers would seek similar concessions.

The vigorous competition discussed in Mr. Rowe's earlier testimony, as recognized by the Commission, justifies proprietary confidential treatment of the information in Column G.

- (2) The disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. As was stated in (1), Columns G and H both need confidential protection because disclosure of either column will enable competitors to determine the segmented transportation charges. Accordingly, the same reasons discussed in (1) likewise apply with regard to Column H.
- (3) Disclosure of this information "would impair the efforts of Tampa Electric to contract for goods and services on favorable terms." Section 366.093(3)(d), Fla. Stat. This information would inform other potential suppliers as to the price Tampa Electric is willing to pay for coal. This would give present and potential coal suppliers information which could be harmful to Tampa Electric's interests in negotiating coal supply agreements. This is much the same as paragraph (1) under Form 423-1(a) regarding No. 2 oil suppliers.

**Justification for Confidentiality of April, 1994 Report:
Electro-Coal Transfer Facility - Big Bend Station**

FORM	LINE(S)	COLUMN	RATIONALE
423-2(a)	1 - 11	H	(1)
423-2(a)	1 - 11	J	(2)
423-2(a)	1 - 11	L	(3)

Rationale for Confidentiality:

- (1) If the original invoice price is made public, one can subtract the original invoice price from the publicly disclosed delivered price at the Electro-Coal Transfer Facility and thereby determine the segmented river transportation cost. Disclosure of the river transportation cost "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Electro-Coal Transfer Facility - Big Bend Station).
- (2) This information, like that contained in Column H, would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed delivered price at the Electro-Coal Transfer Facility. This would be done by subtracting the base price per ton from the delivered price at Electro-Coal, thereby revealing the river barge rate. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Electro-Coal Transfer Facility - Big Bend Station).
- (3) This information, if publicly disclosed, would enable a competitor to back into the segmented waterborne transportation costs using the already publicly disclosed delivered price of coal at the Electro-Coal Transfer Facility. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Electro-Coal Transfer Facility - Big Bend Station).

**Justification for Confidentiality of April, 1994 Report:
Electro-Coal Transfer Facility - Big Bend Station**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(b)	1 - 11	G	(1)
423-2(b)	1 - 11	I	(2)
423-2(b)	1 - 11	K	(3)
423-2(b)	1 - 11	L	(3)
423-2(b)	1 - 11	M	(3)
423-2(b)	1 - 11	N	(3)
423-2(b)	1 - 11	O	(3)
423-2(b)	1 - 11	P	(3)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price in Column G "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Such disclosure would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed delivered price for coal at the Electro-Coal Transfer Facility. This would be done by subtracting the effective purchase price per ton from the price per ton delivered at Electro-Coal, thereby revealing the river barge rate. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Electro-Coal Transfer Facility - Big Bend Station). Such disclosure would also adversely affect Tampa Electric's ability to negotiate future coal supply contracts.
- (2) Disclosure of the rail rate per ton would adversely affect the ability of Tampa Electric affiliate, Gatliff Coal, to negotiate favorable rail rates. Disclosure of the rail rates paid would effectively eliminate any negotiating leverage and could lead to higher rail rates. This would work to the ultimate detriment of Tampa Electric and its Customers. Accordingly, disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat.
- (3) These columns contained information the disclosure of which "would impair the efforts of Tampa Electric to contract for

goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Each of these columns provides specific information on segmented transportation costs which are the primary objects of this request. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality for Column G on 423-2 (Electro-Coal Transfer Facility - Big Bend Station).

**Justification for Confidentiality of April, 1994 Report:
Electro-Coal Transfer Facility - Gannon Station**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2	1 - 4	G	(1), (3)
423-2	1 - 4	H	(2), (3)

Rationale for Confidentiality:

- (1) This information is the same as reported on the earlier Form 423-2 with the exception that this form pertains to Gannon Station as opposed to Big Bend Station. Disclosure of the effective purchase price "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat., for the same reasons as are set forth under the rationale for protecting Column G in Form 423-2 (Electro-Coal Transfer Facility - Big Bend Station).
- (2) The disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat., for the same reasons asserted under (2) of the Rationale for Confidentiality for the Form 423-2 pertaining to Big Bend Station. Essentially, both Columns G & H both need confidential protection to prevent a competitor from "backing into" the segmented transportation charges.
- (3) Disclosure of the effective purchase price of Gatliff coal "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat.

**Justification for Confidentiality of April, 1994 Report:
Electro-Coal Transfer Facility - Gannon Station**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(a)	1 - 4	H	(1)
423-2(a)	1 - 4	J	(2)
423-2(a)	1 - 4	L	(3)

Rationale for Confidentiality:

- (1) If the original invoice price is made public, one can subtract the original invoice price from the publicly disclosed delivered price at the Electro-Coal Transfer Facility and thereby determine the segmented river transportation cost. Disclosure of the river transportation cost "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Electro-Coal Transfer Facility - Big Bend Station).
- (2) This information, like that contained in Column H, would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed delivered price at the Electro-Coal Transfer Facility. This would be done by subtracting the base price per ton from the delivered price at Electro-Coal, thereby revealing the river barge rate. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Electro-Coal Transfer Facility - Big Bend Station).
- (3) This information, if publicly disclosed, would enable a competitor to back into the segmented waterborne transportation costs using the already publicly disclosed delivered price of coal at the Electro-Coal Transfer Facility. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Electro-Coal Transfer Facility - Big Bend Station).

**Justification for Confidentiality of April, 1994 Report:
Electro-Coal Transfer Facility - Gannon Station**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(b)	1 - 4	G	(1)
423-2(b)	1 - 4	I	(2)
423-2(b)	1 - 4	K	(3)
423-2(b)	1 - 4	L	(3)
423-2(b)	1 - 4	M	(3)
423-2(b)	1 - 4	N	(3)
423-2(b)	1 - 4	O	(3)
423-2(b)	1 - 4	P	(3)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price in Column G "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Disclosure of the original invoice price per ton would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed delivered price for coal at the Electro-Coal Transfer Facility. This would be done by subtracting the original invoice price per ton from the price per ton delivered at Electro-Coal, thereby revealing the river barge rate. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Electro-Coal Transfer Facility - Big Bend Station).
- (2) Disclosure of the rail rate per ton would adversely affect the ability of Tampa Electric and its affiliates to negotiate favorable rail rates with the various railroads serving areas in the vicinity of the river terminals used by Tampa Electric's affiliate, Gatliff Coal Company. This coal is shipped from different terminals which affords Gatliff some leverage in negotiating with the railroads. Disclosure of the rail rates paid would effectively eliminate this leverage and lead to higher rail rates. This would work to the ultimate detriment of Tampa Electric and its Customers. Accordingly, disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat.

- (3) These columns contained information the disclosure of which "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Each of these columns provides specific information on segmented transportation costs which are the primary objects of this request. Additional justification appears in Exhibit "A" and in paragraph (i) of the rationale for confidentiality for Column G on 423-2 (Electro-Coal Transfer Facility - Big Bend Station).

Justification for Confidentiality of April, 1994 Report:
Big Bend Station

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2	1	G	(1)
423-2	1	H	(2)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. One can subtract the information in this column from the figure in Column I and obtain the segmented transportation cost including transloading and ocean barging.
- (2) The disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Essentially, both Columns G & H both need confidential protection to prevent a competitor from determining the segmented transportation charges.

**Justification for Confidentiality of April, 1994 Report:
Big Bend Station**

FORM	LINE(S)	COLUMN	RATIONALE
423-2(a)	1	H	(1)
423-2(a)	1	J	(2)
423-2(a)	1	L	(3)

Rationale for Confidentiality:

- (1) If the original invoice price is made public, one can subtract the original invoice price from the publicly disclosed F.O.B. plant price at the Electro-Coal Transfer Facility and thereby determine the segmented terminating and ocean barge transportation cost. Disclosure of the terminating and ocean barge costs "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Big Bend Station).
- (2) This information, like that contained in Column H, would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed F.O.B. plant price. This would be done by subtracting the base price per ton from the F.O.B. plant price at Big Bend Station, thereby revealing the terminating and ocean barge rate. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Big Bend Station).
- (3) This information, if publicly disclosed, would enable a competitor to back into the segmented terminating and ocean barge transportation costs using the already publicly disclosed F.O.B. plant price at Big Bend Station. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Big Bend Station).

**Justification for Confidentiality of April, 1994 Report:
Big Bend Station**

FORM	LINE(S)	COLUMN	RATIONALE
423-2(b)	1	G	(1)
423-2(b)	1	I	(2)
423-2(b)	1	K	(3)
423-2(b)	1	L	(3)
423-2(b)	1	M	(3)
423-2(b)	1	N	(3)
423-2(b)	1	O	(3)
423-2(b)	1	P	(3)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price in Column G "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Disclosure of the effective purchase price per ton would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed F.O.B. plant price for coal. This would be done by subtracting the effective purchase price per ton from the F.O.B. plant price per ton at Big Bend Station, thereby revealing the terminating and ocean barge rate. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Big Bend Station).
- (2) Disclosure of the rail rate per ton would adversely affect the ability of Tampa Electric and its affiliates to negotiate favorable rail rates with the various railroads serving areas in the vicinity of Tampa Electric's coal suppliers. Disclosure of the rail rates paid would effectively eliminate any leverage and lead to higher rail rates. This would work to the ultimate detriment of Tampa Electric and its Customers. Accordingly, disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat.
- (3) These columns contained information the disclosure of which "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Each of these columns provides specific information

on segmented transportation costs which are the primary objects of this request. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality for Column G on 423-2 (Bid Bend Station).

**Justification for Confidentiality of April, 1994 Report:
Gannon Station**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2	1 - 3	G	(1)
423-2	1 - 3	H	(2)

Rationale for Confidentiality:

- (1) This information is the same as reported on the earlier Form 423-2 with the exception that this form pertains to Gannon Station as opposed to Big Bend Station. Disclosure of the effective purchase price "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat., for the same reasons as are set forth under the rationale for protecting Column G in Form 423-2 (Big Bend Station).
- (2) The disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat., for the same reasons asserted under (2) of the Rationale for Confidentiality for the Form 423-2 pertaining to Big Bend Station. Essentially, both Columns G & H both need confidential protection to prevent a competitor from determining the segmented transportation charges.

**Justification for Confidentiality of April, 1994 Report:
Gannon Station**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(a)	1 - 3	H	(1)
423-2(a)	1 - 3	J	(2)
423-2(a)	1 - 3	L	(3)

Rationale for Confidentiality:

- (1) If the original invoice price is made public, one can subtract the original invoice price from the publicly disclosed F.O.B. price at Gannon Station and thereby determine the segmented terminating and ocean barge transportation cost or rail rate. Disclosure of these transportation costs "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Big Bend Station).
- (2) This information, like that contained in Column H, would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed delivered price at Gannon Station. This would be done by subtracting the base price per ton from the F.O.B. plant price at Gannon Station, thereby revealing the terminating and ocean barge rate or rail rate. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Big Bend Station).
- (3) This information, if publicly disclosed, would enable a competitor to back into the segmented terminating or ocean barge transportation costs or rail rate using the already publicly disclosed F.O.B. plant price of coal at Gannon Station. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Gannon Station).

**Justification for Confidentiality of April, 1994 Report:
Gannon Station**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(b)	1 - 3	G	(1)
423-2(b)	1 - 3	I	(2)
423-2(b)	1 - 3	K	(3)
423-2(b)	1 - 3	L	(3)
423-2(b)	1 - 3	M	(3)
423-2(b)	1 - 3	N	(3)
423-2(b)	1 - 3	O	(3)
423-2(b)	1 - 3	P	(3)

Rationale for Confidentiality:

- (1) Disclosure of the effective purchase price in Column G "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Disclosure of the effective purchase price per ton would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed F.O.B. plant price for coal at Gannon Station. This would be done by subtracting the effective purchase price per ton from the price per ton delivered at Gannon Station, thereby revealing the terminating and ocean barge rate or rail rate. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (Big Bend Station).
- (2) Disclosure of the rail rate per ton would adversely affect the ability of Tampa Electric affiliate, Gatliff Coal, to negotiate favorable rail rates. Disclosure of the rail rates paid would effectively eliminate any negotiating leverage and could lead to higher rail rates. This would work to the ultimate detriment of Tampa Electric and its Customers. Accordingly, disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat.
- (3) These columns contained information the disclosure of which "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Each of these columns provides specific information

on segmented transportation costs which are the primary objects of this request. Additional justification appears in Exhibit "A" and in paragraph (1) of the rationale for confidentiality for Column G on 423-2 (Big Bend Station).

**Justification for Confidentiality of April, 1994 Report:
Tampa Electric Company**

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>RATIONALE</u>
423-2(c) (Page 1 of 2)	4,8,9,13,14	J,K	(1), (2)

Rationale for Confidentiality:

- (1) This information is contractual information which, if made public, "would impair the efforts of Tampa Electric to contract for goods and services on favorable terms." Section 366.093(3)(d), Fla. Stat. The information shows the actual rate paid by Tampa Electric for river barge transportation. It is this segmented transportation cost data which is proprietary and confidential. Disclosure of this information would also enable one to determine the price which Tampa Electric pays the coal supplier. This information should be protected for the same reasons described as the rationale for confidentiality of the information contained in Form 423-2, Column G, lines 1-7.
- (2) This information consists of the direct rail rate which can be subtracted from the total delivered price of coal to obtain the rate paid for Gatliff coal. This is contractual information which, if made public, "would impair the efforts of Tampa Electric to contract for goods and services on favorable terms." Section 366.093(3)(d), Fla. Stat. Disclosure of information enabling one to determine the F.O.B. mine price of Gatliff coal would have a direct impact on Tampa Electric's future fuel contracts by informing potential bidders of current prices paid.

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of
Confidentiality of Fuel Cost
Recovery Data.

DOCKET NO. 860001-II-D

AFTERNOON SESSION
VOLUME II
Pages 113 through 278

RECEIVED
DIVISION OF RECORDS & REPORTING

OCT 8 1986

Florida Public Service Commission

FPSC Hearing Room
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32301

Monday, September 29, 1986

Met pursuant to adjournment at 1:00

BEFORE: CHAIRMAN JOHN R. MARKS, III, Chairman
COMMISSIONER GERALD L. GUNTER
COMMISSIONER KATIE NICHOLS
COMMISSIONER MICHAEL McR. WILSON
COMMISSIONER JOHN T. HERNDON

APPEARANCES:

(As heretofore noted.)

REPORTED BY:

CAROL C. CAUSSEUX, CSR, RPR
JANE FAUBOT
JOY KELLY, CSR, RPR
OFFICIAL COMMISSION REPORTERS

DOCUMENT NO.
10020-26
10-9-86

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

PREPARED TESTIMONY

OF

JOHN R. ROWE, JR.

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Q. Will you please state your name, address and occupation.

A. My name is John R. Rowe, Jr. My business address is 702 North Franklin Street, Tampa, Florida 33602. I am Assistant Vice President of Tampa Electric Company.

Q. Please describe your educational background and business experience.

A. I was educated in the public schools of Birmingham, Alabama; Evansville, Indiana; and Mt. Lebanon, Pennsylvania. I was graduated in June, 1962 from the Georgia Institute of Technology with a Bachelor of Science degree in Industrial Management, and from the University of South Florida in March, 1971 with a Master of Business Administration degree. I am a Certified Public Accountant licensed to practice in Florida and a member of the American Institute of CPAs, the Florida Institute of CPAs, and the National Association of Accountants. I joined Tampa Electric Company in July, 1962 and I have served in various capacities in the Personnel, Customer Accounting,

1 Credit, General Accounting and Budget Departments over the
2 past 23 years. I became Assistant Controller in 1974,
3 Controller in 1981, and I was elected to my present
4 position as Assistant Vice President in April, 1984. My
5 present responsibilities include coordination of
6 accounting and regulatory matters before this Commission
7 (FPSC) and the Federal Energy Regulatory Commission
8 (FERC). I have presented testimony before this Commission
9 in other proceedings.

10

11 Q. What is the purpose of your testimony?

12

13 A. The purpose of my testimony is to respond to various areas
14 of Commission and company concern regarding the
15 confidentiality of certain fuel cost information supplied
16 to the Commission. I intend to demonstrate why some of
17 the data which is supplied in regular monthly reports on
18 fuel costs to this Commission should be excluded from
19 public disclosure as being "proprietary confidential
20 business information" as defined by Section 366.093,
21 Florida Statutes.

22

23 Q. Does Tampa Electric object to providing the Commission
24 with a report detailing all purchases of fuel,
25 transportation and fuel handling services?

1 A. No. Tampa Electric does not object to continuing to
2 furnish to the Commission the information it needs to
3 review company expenditures for fuel, transportation and
4 fuel handling services. However, as I will describe
5 later, it is clearly in the best interests of the
6 ratepayers and the company for this Commission to continue
7 to treat certain of this information submitted as
8 "Specified Confidential."

9
10 Q. What portion of the report should be confidential?

11
12 A. The cost of water transportation of coal which is billed
13 to the regulated company by an affiliated company should
14 be treated as confidential. Tampa Electric formed a water
15 transportation system for the transport of coal in the
16 1950's which not only provides the necessary services for
17 Tampa Electric but also enjoys additional economies as it
18 provides competitive services to outside customers. This
19 system has saved our electric customers many millions of
20 dollars in transportation costs over the years and these
21 savings are likely to continue in the future so long as
22 the affiliated companies are able to maintain their
23 competitive edge. Through this transportation system Tampa
24 Electric's affiliated companies are able to move coal by
25 river barges from sources in Kentucky, Oklahoma and

1 Illinois to a terminal on the east bank of the Mississippi
2 River south of New Orleans for the purpose of off-loading,
3 storing and transferring coal to ocean-going barges for
4 transport to Tampa. These services are performed by TECO
5 Transport and Trade companies: Mid-South Towing Company,
6 which handles the coal by river barge; Electro Coal
7 Transfer Corporation, which operates the storage and
8 transfer facility and Gulf Coast Transit Company which
9 provides ocean-going tugs and barges to move coal across
10 the Gulf of Mexico.

11
12 Q. Are Tampa Electric affiliates faced with competition?

13
14 A. Yes, the market for bulk commodity transportation is very
15 competitive. Aside from the coal transportation services
16 performed for Tampa Electric, the TECO Transport and Trade
17 affiliates currently transport coal and other bulk
18 commodities for other customers as well. The affiliates
19 anticipate that additional markets for coal will soon
20 develop in Florida for both industrial and electric power
21 generation purposes, and hope to capture a portion of the
22 transportation demand created by those markets. This
23 market is very competitive.

24 Tampa Electric's transportation affiliates are not engaged
25 solely in the one-way transportation of coal, however.

1 Mid-South Towing Company has provided, and continues to
2 provide, both upstream and downstream transportation
3 services for other bulk commodities, including grain and
4 phosphate products. Electro-Coal Transfer Corporation is
5 involved in the direct vessel-to-vessel transfer of grain
6 and other bulk commodities in addition to the transfer of
7 coal and coke on diverse routes, including phosphates from
8 Florida to New Orleans, and grain from New Orleans to
9 international markets.

10
11 As commercial enterprises, the affiliates face significant
12 competition for each of the other transportation, transfer
13 and storage services that they perform. Operators on the
14 inland waterways include approximately 2,000 individual
15 carriers. In size these carriers range from operators of
16 single towboats to those operating large fleets of vessels
17 and barges. Only a very small percentage of inland
18 waterway traffic is subject to regulation. Exempt
19 carriers are not required to publish revenues, operating
20 data rates or financial information.

21
22 With reference to the river transportation of coal and
23 other bulk commodities, Mid-South Towing Company's
24 principal competitors include, among others: the Ohio
25 River Company; American Commercial Barge Line Company;

1 Dravo Mechling Corporation; and The Valley Line Company.
2 Mid-South Towing also faces intermodal competition from
3 the railroads.

4
5 Electro-Coal Transfer Corporation competes with others for
6 the performance of transfer and storage services.
7 Electro-Coal's principal competitors with both shoreside
8 transfer and ground storage capabilities are:
9 International Marine Terminal; Burnside Terminals, Inc.;
10 and New Orleans Bulk Terminal. A portion of the transfer
11 market is also served by companies whose operations are
12 mid-stream in the Mississippi River. Principal among
13 these is Cooper-Smith Company.

14
15 Finally, Gulfcoast Transit Company competes with many
16 other companies to provide ocean-going tug and barge
17 transportation service. Principal among those competitors
18 are: Dixie Carriers, Inc.; St. Phillips Towing Company;
19 Sheridan Towing Company; Red Circle Transport Company; and
20 Beker Industries, Inc.

21
22 Q. Would the disclosure of cost information expose the
23 affiliates to substantial competitive harm?

24
25 A. Yes. The cost of rendering bulk commodity transportation

1 service over a given distance varies little from one
2 commodity to another. On a per-ton unit basis, it costs a
3 barge company the same amount to transport a ton of grain,
4 for example, as to transport a ton of coal. Rates for
5 bulk commodity transportation service also tend to show
6 little variation from one commodity to the next.

7
8 In such a highly competitive environment, a given
9 company's market share is constantly at risk and must be
10 carefully safeguarded. Competitors who are able to
11 discern, either directly or indirectly, a given company's
12 costs or profit margin are in a position to capture a
13 portion of that company's market share by anticipating its
14 future bids and selectively undercutting its prices.
15 Similarly, such knowledge permits the company's customers,
16 who may be paying different prices for similar services,
17 to bargain for more favorable terms from the company and
18 among its competitors.

19
20 The primary determinants of a company's profit margin, of
21 course, are its costs and prices. Not surprisingly, given
22 the relative ease with which both costs and prices may be
23 translated from one type of bulk commodity shipment to
24 another, competitors take great pains to conceal their
25 costs and prices from each other. This fact accounts for

1 the scarcity of published information concerning the
2 financial workings of the unregulated segment of the
3 industry.

4
5 Tampa Electric's competitors and customers are aware that
6 Tampa Electric's water transportation expense represents
7 the affiliates' costs including a return on equity. A
8 company's cost represents the limit of its vulnerability
9 in the sense that it cannot long survive in circumstances
10 where costs exceed revenues. Sustained "underpricing"
11 below that perceived margin would have a devastating
12 effect upon the affiliates' business, and would make
13 retention of market shares impossible. Competitors would
14 be given access to very valuable information which will
15 enable those firms to price their service to their
16 advantage.

17
18 Q. How does the operation of the competitive business affect
19 the cost of Tampa Electric's affiliated company
20 transportation expense?

21
22 A. The increased volumes allow for economies of scale that
23 cannot be realized if Tampa Electric were the only
24 customer of the affiliate. Moreover, since fixed costs
25 are allocated between services provided to Tampa Electric

1 and others on a per ton basis, the backhaul and transfer
2 of grain and other bulk commodities reduces the amount of
3 fixed costs allocated to Tampa ~~Electric~~. If the
4 affiliates' backhaul and other outside customer activity
5 is lost or diminished, or if transfer activity is lost due
6 to the disclosure of its competitive position, the cost of
7 coal transportation to Tampa Electric would increase
8 proportionately. Actions which hurt the affiliates'
9 competitive position will, therefore, increase the cost of
10 electricity supplied to Tampa Electric's customers. This
11 Commission therefore should carefully avoid the disclosure
12 of the affiliates' costs and prices.

13
14 Q. Is Tampa Electric satisfied with the Commission's current
15 reporting requirements?

16
17 A. No. The company believes that the Commission's current
18 requirements for public disclosure run an unnecessary risk
19 of placing Tampa Electric at a disadvantage in its ability
20 to contract for fuel transportation services on the most
21 favorable terms. This disclosure can also affect prices
22 paid by Tampa Electric under existing contracts which
23 depend on or could benefit further from outside business
24 to reduce costs to Tampa Electric. Further, I believe
25 that public disclosure of coal prices paid (without

1 transportation costs) does not increase competition among
2 suppliers of coal but rather it serves to decrease the
3 advantage of the purchaser in negotiating lower prices.
4 If potential vendors of coal knew from public disclosure
5 the prices being paid or paid in the past, I believe their
6 tendency in bidding or reporting coal prices tend to
7 center around known prices. In this way, the vendors know
8 they can offer a price lower than the price that has been
9 paid and exactly how much lower their price will be. If
10 the present and past prices paid were not publicly
11 available, the vendors would have to bid as low as they
12 could in hopes that they would bid the best price to win
13 the contract since they have no published guide to tell
14 them how low to quote.

15
16 During all of this discussion you should keep in mind that
17 Tampa Electric has no objection to continuing its full
18 disclosure of fuel transportation cost information to the
19 Commission on a specified confidential basis. The company
20 is proud of its innovative transportation system and
21 desires to continue to share all relevant transportation
22 cost information with the Commission on a confidential
23 basis.

24
25 Q. How does this Commission's fuel cost reporting

1 requirements affect the confidentiality of the proprietary
2 transportation cost information?

3
4 A. The Commission must be very careful in its requirements
5 for public disclosure of various segments of fuel cost
6 information in order to protect the proprietary
7 transportation cost information. A requirement to
8 publicly report any one segment of costs could enable
9 competitors and transportation customers to calculate the
10 information sought to be protected.

11
12 Q. Please illustrate how confidential information could be
13 derived if the Commission's reporting requirements are
14 changed?

15
16 A. This was fully discussed in Docket No. 830001-PU. On
17 April 24, 1984, the Commission considered Tampa Electric's
18 request for reconsideration of Order No. 12645, entered in
19 the same docket (Generic Fuels Issues). Tampa Electric
20 sought reconsideration of that portion of Order No. 12645
21 pertaining to which cost information should be considered
22 confidential. Tampa Electric's specific concern was that
23 disclosure of F.O.B. mine mouth and F.O.B. plant price for
24 coal, in conjunction with available delivered prices at
25 terminal facilities, would result in the disclosure of

1 proprietary confidential business information. The
2 Commission agreed and determined that the F.O.B. mine
3 mouth and plant prices should be reported on a "specified
4 confidential" basis. The same circumstances exist today
5 and the need for confidential treatment is just as
6 critical now as it was in 1983.
7

8 Q. How would you recommend the Commission approach its duty
9 of implementing Section 366.093, Florida Statutes?
10

11 A. In the case of Tampa Electric's transportation affiliates,
12 the test should be: is there a reasonable probability
13 that disclosure of the information in question will
14 adversely affect the affiliated company and, ultimately,
15 Tampa Electric and its Customers? If so, then the
16 information should be treated as specified confidential
17 information which is exempt from public disclosure.
18 Section 366.093, Florida Statutes, does not appear to
19 require a 100% probability of harm. In the case of bids
20 or other contractual data, the test is only whether it
21 would "impair" the efforts of the public utility to
22 contract for services on favorable terms. If certain
23 information is disclosed and the disclosure only aids but
24 does not guarantee a competitor's ability to compete with
25 Tampa Electric's transportation affiliates, then this

1 information ought to be protected, even though its
2 disclosure would not guarantee that the competitor will
3 take business away from the Tampa Electric affiliate. Any
4 more stringent or absolute a standard for confidentiality
5 would demand more than is required under the statute.
6 Stated differently, if the statute is administered in such
7 a way as to prohibit only the disclosure of a specific
8 cost, but not a myriad of related information bits or
9 "hints" which enable a resourceful competitor to pinpoint
10 or come very close to the specific cost, then the
11 protection afforded by the statute will indeed be hollow.
12 In short, we advocate fully disclosing to the Commission
13 the information it needs to perform its utility oversight
14 function but because of the extreme sensitivity of the
15 information, we advocate disclosing as little as possible
16 to publicly accessible sources. Utility customers are the
17 ultimate beneficiaries of this protection, and we hope the
18 Commission will continue to administer the statute in a
19 manner which maximizes such protection.

20
21 Q. Does this conclude your testimony?

22
23 A. Yes, it does.

24
25 (End of Prefiled Direct Testimony)

1 F L O R I D A)
 2 COUNTY OF LEON)

CERTIFICATE OF REPORTERS

3 WE, CAROL C. CAUSSEAU, CSR, RPR, JANE FAUROT and JOY
 4 KELLY, CSR, RPR, Official Commission Reporters,

5 DO HEREBY CERTIFY that the hearing in the matter of
 6 the Confidentiality of Fuel Cost Recovery Data, Docket No.
 7 860001-EI-D, was heard by the Florida Public Service Commission
 8 commencing at 9:35 a.m., Monday, September 29, 1986, in
 9 Tallahassee, Florida.

10 WE FURTHER CERTIFY that we were authorized to and did
 11 report in shorthand and by stenotype the proceedings held at
 12 such time and place; that the same has been reduced to type-
 13 writing under our direct supervision, and that the foregoing
 14 pages numbered 1 through 277, Volumes I and II, inclusive,
 15 constitute a true and accurate transcription of our shorthand
 16 and stenotype notes of said proceedings.

17 IN WITNESS WHEREOF, we have hereunto set our hands at
 18 Tallahassee, Leon County, Florida, this 8th day of October,
 19 1986.

20 Carol C. Causseau
 21 CAROL C. CAUSSEAU, CSR, RPR

Jane Faurot
 JANE FAUROT

22
 23 Joy Kelly
 24 JOY KELLY, CSR, RPR

25 OFFICIAL COMMISSION REPORTERS
 Bureau of Reporting
 101 East Gaines Street
 Tallahassee, Florida 32301
 Telephone (904) 488-5980

26
 FLORIDA PUBLIC SERVICE COMMISSION

Date of Declassification:

<u>FORM</u>	<u>LINE(S)</u>	<u>COLUMN</u>	<u>DATE</u>
423-1(a)	1 - 21	H - O	6/16/96
423-2	1 - 11	G - H	6/16/96
423-2(a)	1 - 11	H, J, L	6/16/96
423-2(b)	1 - 11	G, I, K, L, M, N, O, P	6/16/96
423-2(c) (Page 1 of 2)	4, 8, 9, 13, 14	J - K	6/16/96

Rationale:

Fuel Oil Contract Data:

1. Tampa Electric requests that the confidential information relating to fuel oil contract data not be declassified until at least two years after it is classified confidential. Ideally, Tampa Electric's interests would be best protected by adopting a declassification date which is at least 6 months beyond the last day of the contract period under which the goods identified on Form 423-1(a) were purchased.

2. Tampa Electric's ability to negotiate future contracts for No. 2 and No. 6 oil would reasonably likely be impaired if pricing information as described above were disclosed during the contract period or prior to the negotiation of a new contract.

3. Tampa Electric typically renegotiates its No. 2 and No. 6 fuel oil contracts and fuel related services contracts prior to the end of such contracts. On occasion some contracts are renegotiated after the end of the current contract period. In this situation, renegotiations are normally completed within six months. Therefore, it is necessary to maintain the confidentiality of the information identified as confidential on Form 423-1(a) for six months after the end of the individual contract period the information relates to.

4. Tampa Electric's No. 2 contract was renegotiated effective October 1, 1990 and its No. 6 contract was renegotiated effective September 1, 1990.

Exhibit "B"

5. In many instances the declassification date proposed above would be beyond two years from the date the information is classified. Therefore, and in order to simplify the determination of a date of declassification date, Tampa Electric is willing to settle for a declassification date which is two years from the date the material in question is initially classified. This will avoid having to refer to contract expiration dates which vary from contract to contract. At the same time, it will afford Tampa Electric some minimum period of protection from having this sensitive information disclosed publicly.

Coal and Coal Transportation Data

6. Tampa Electric also seeks protection of the coal and coal transportation contract information specified as confidential for a minimum period of two years.

7. The need for two or more years of confidentiality is vital not only to Tampa Electric and its ratepayers, but to the vendors of coal and coal transportation services as well.

8. Bidders for the sale of coal will always seek to optimize their profit margin. Full knowledge of the prices paid by the utility for coal enables the bidder to increase the price bid and thereby optimize the bid from the viewpoint of the seller and to the detriment of the ratepayer. Tampa Electric firmly believes that the disclosure of information on prices paid within the last two years will increase the price Tampa Electric will be required to pay for coal and will be detrimental to ratepayers.

9. Recent bids received by Tampa Electric contained a \$4.17 per ton spread between the bids. The low bid undoubtedly would have been higher with full knowledge of prices paid by Tampa Electric. Bidders will always seek to optimize their profits by submitting bids that are as high as the market will bear. If market data is disclosed which discourages suppliers from bidding competitively, they will increase their bids to the level of past payments to other suppliers by the buyer.

10. The disclosure of rail transportation rates will result in demands by other shippers to lower any rates which are above the disclosed rates. The effect of disclosure will be to increase the lower rate as the transportation provided will seek to protect the rates charged on other routes. The delay of this disclosure for two years will be of direct benefit to ratepayers by delaying any increases that might occur as a result of such disclosure.

11. Gatliff Coal and TECO Transport & Trade sell coal and bulk commodity transportation services in the open non-regulated marketplace. The prices at which their goods and services are sold are not publicly disclosed anywhere by publication or voluntary dissemination because it would materially lessen their competitive

posture with customers other than Tampa Electric. Outside customers who negotiate for coal or coal transportation services are placed at a competitive advantage for these goods or services if they know the cost of the goods or services.

12. An analyst for an outside customer of Gatliff or TECO Transport who reads the written transcripts of public fuel hearings or reads the written orders of the FPSC can easily discover that until November 1, 1988, Tampa Electric paid cost for coal from Gatliff and for coal transportation from TECO Transport. Further, the publication of the stipulation agreement between the parties in 1988 indicated that the initial benchmark price was close to cost and subsequent testimony indicates the revised contract escalates from cost.

13. As long as an outside customer does not know how such an escalation clause changes price, the cost cannot be calculated. However, publicizing the price of coal or coal transportation services will tell an outside customer how much the escalation has been and make it easy for him to calculate cost. Because of seasonality of costs in both businesses, a full year's cost data is necessary for an accurate cost measurement.

14. A second year must pass before one full year can be compared with a second year to measure the escalation accurately. So a perceptive vendor seeks two years of data to make his cost estimates. The competitive industries recognize that data beyond two years is not helpful to them, as enough factors may change in that time frame for costs to be much different from what was incurred. Any date less than two full years old is extremely valuable to outside customers in contracting for services with Gatliff or TECO Transport. The difference of small amounts per ton can mean millions of dollars' difference in cost.

15. A loss of outside business by Gatliff or TECO Transport will affect not only Gatliff or TECO Transport, but if large enough it could affect the credibility of the companies. The prices negotiated with Tampa Electric by these vendors took into consideration their costs and revenues at the time of negotiation, including the revenues from outside customers. A significant loss of outside business could cause Gatliff or TECO Transport to fail, since under market pricing regulation Tampa Electric will not make up the difference to them in cost. In turn, a failure of these vendors would leave Tampa Electric and its customers with only higher cost alternatives for Blue Gem coal and for coal transportation to Tampa, a higher cost that would be paid by Tampa Electric's ratepayers. So the continued credibility of Gatliff and TECO Transport is important to protect Tampa Electric's ratepayers from higher cost alternatives.