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July 2, 1997

HAND DELIVERED

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Determination of appropriate cost allocation and  
regulatory treatment of total revenues associated with  
wholesale sales to Florida Municipal Power Agency and  
City of Lakeland by Tampa Electric Company;  
FPSC Docket No. 970171-EU

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and  
fifteen (15) copies of Tampa Electric Company's Request for  
Confidential Treatment of certain information contained in Late-  
Filed Hearing Exhibit No. 6 in response to Staff's amended  
Interrogatory No. 5.

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.

Sincerely,

  
James D. Beasley

JDB/pp  
Enclosures

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

RECEIVED & FILED  


06716 JUL-2 1997

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of appropriate )  
cost allocation and regulatory )  
treatment of total revenues associated )  
with wholesale sales to Florida )  
Municipal Power Agency and City of )  
Lakeland by Tampa Electric Company. )

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DOCKET NO. 970171-EU  
FILED: July 2, 1997

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

Pursuant to Section 336.093, Fla. Stat., Tampa Electric Company ("Tampa Electric" or "the company"), submits the following Request for Confidential Treatment of certain information contained in Late-Filed Hearing Exhibit 6 by Tampa Electric to the Commission in response to Staff's amended Interrogatory No. 5, and as grounds therefor, says:

1. Tampa Electric is filing herewith under separate confidential cover letter the company's hearing Late-Filed Exhibit No. 6 consisting of the company's answers to Staff's amended Interrogatory No. 5. Tampa Electric objected to this interrogatory on the grounds that it is not relevant for purposes of this proceeding and continues to maintain that position, although the response is being filed pursuant to the Chairman's ruling at the June 11, 1997 hearing on Staff's motion to compel an answer to amended Interrogatory No. 5.

2. Attached hereto as Exhibit "A" is a detailed justification for the requested confidential treatment of the highlighted portions of the above-referenced document.

DOCUMENT FILED DATE

06716 JUL-25

FILED IN CASE NO. 97-0171


3. Tampa Electric requests that the information for which it seeks confidential classification not be declassified at all, but that the information in question be returned to Tampa Electric at the conclusion of this proceeding as contemplated in the Order Establishing Procedure, at page 2, and in the Prehearing Order as well as in Fla. Admin. Code Rule 25-22.006(6)(d).

4. The material for which classification is sought is intended to be and is treated by Tampa Electric's affiliates as private and has not been disclosed.

WHEREFORE, for the reasons set for in Exhibit "A" hereto, Tampa Electric requests that the confidential version of the above referenced confidential filing be treated as confidential proprietary business information and exempt from the Public Records Law, and that the documents in question be returned to Tampa Electric at the conclusion of this proceeding as contemplated in the Order Establishing Procedure, the Prehearing Order and the Commission's rule pertaining to confidential information.

DATED this 2<sup>nd</sup> day of July, 1997.

Respectfully submitted,

  
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Post Office Box 111  
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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

TAMPA ELECTRIC COMPANY

DOCKET NO. 970171-EU  
July 2, 1997

Justification for Confidentiality of Tampa Electric Company's Late-Filed Hearing Exhibit 6 in response to Staff's amended Interrogatory No. 5.

<u>COLUMN</u>	<u>LINE NO.</u>	<u>RATIONALE</u>
1	1,2,3,4,5,6,7,8	(1)

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Rationale for Confidentiality

- (1) Each of the values referred to above reflects proprietary confidential business information of a non-regulated affiliate of Tampa Electric, TECO Transport & Trade ("TT&T"), relative to the cost and profitability of transportation services provided by that affiliate. The waterborne transportation of coal and other commodities is a highly competitive industry and public disclosure of the cost and margin information would enable those who compete with TT&T for coal and commodity transportation services to have a competitive advantage over TT&T. Public disclosure of the information in question would harm TT&T's ability to compete for continued and new business.

The cost and margin information in question qualifies for confidential treatment and exemption from Section 119.07(1), Fla. Stat., under the following provisions of Section 366.093, Fla. Stat.:

- (3) . . . Proprietary confidential business information includes, but is not limited to:

\* \* \*

- (d) 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.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Exhibit "A"

Public disclosure of the confidential information in question would enable competitors of TT&T to structure bids, offers and negotiations in such ways as to prevail over TT&T's offers, bids and negotiations to provide water transportation services. The information would similarly be useful from a competitive standpoint to present and potential customers of TT&T in their negotiations with TT&T to provide waterborne transportation services. Knowing the profitability of a potential service provider lets the potential customer know how far to press in the negotiations.

Again, TT&T is a non-FPSC regulated provider of waterborne transportation services whose competitors are not required to disclose costs or margins of their operations. Public disclosure of this type of information would be extremely prejudicial to the rights of TT&T.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Request for Confidential Treatment, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand deliver (\*) on this 2<sup>nd</sup> day of July 1997 to the following:

Ms. Leslie Paugh\*  
Staff Counsel  
Division of Legal Services  
Florida Public Service  
Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. Gary Lawrence  
City of Lakeland  
501 East Lemon Street  
Lakeland, FL 33801-5079

Ms. Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 South Gadsden Street  
Tallahassee, FL 32301

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c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

  
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ATTORNEY

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