

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of
Commercial/Industrial Service
Rider tariff by Tampa Electric
Company.

DOCKET NO. 980706-EI
ORDER NO. PSC-01-0920-CFO-EI
ISSUED: April 10, 2001

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO TAMPA ELECTRIC
COMPANY'S SUPPLEMENTAL SURVEILLANCE REPORT/COMMERCIAL/INDUSTRIAL
SERVICE RIDER FOR OCTOBER, 2000 (DOCUMENT NO. 16061-00)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Tampa Electric Company (TECO or Company) has requested specified confidential treatment for certain information contained in TECO's Supplemental Surveillance Report pertaining to its Commercial/Industrial Service Rider (CISR) for October, 2000. The confidential information is filed with the Commission as Document No. 16061-00.

TECO contends that release of the information contained in the Supplemental Surveillance Report could cause harm to both TECO and any entity that has entered into the Contract Service Agreement (CSA) contract. TECO maintains that the information for which confidential classification is sought, is intended to be, and is treated by TECO as private, and has not been publicly disclosed. Accordingly, the Company requests that the information be granted confidential classification pursuant to Section 366.093(3)(e), Florida Statutes.

INFORMATION FOR WHICH CONFIDENTIAL CLASSIFICATION IS SOUGHT

TECO asserts that its Supplemental Surveillance Report for October, 2000, contains two highlighted dollar amounts which, if publicly disclosed, would be harmful to TECO and its customers and would contravene the Company's tariff by publicly disclosing information concerning amounts paid by a CISR customer, pursuant to a CSA negotiated pursuant to TECO's CISR tariff. TECO maintains that this is highly proprietary information which would harm the Company's ability to negotiate in the future with any customers

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requesting CISR negotiations. Additionally, TECO contends that disclosure of this information would enable anyone in the public to calculate the CISR rate TECO has negotiated with a CISR customer and as such, discourage at-risk customers from pursuing CISR negotiations. Therefore, TECO maintains that the information contained in its Supplemental Surveillance Report is entitled to confidential protection under Section 366.093, Florida Statutes.

CONCLUSION

Upon review, the information described above appears to be proprietary, confidential business information within the meaning of Section 366.093(3), Florida Statutes. Therefore, TECO's request for confidential classification of information contained in its Supplemental Surveillance Report/Commercial Industrial Service Rider for October, 2000, is granted.

Section 366.093(4), Florida Statutes, provides that "any finding by the Commission that records contain proprietary confidential business information is effective for a period not to exceed 18 months, unless good cause is shown for a specified longer period." TECO did not specify a time period in its request. Therefore, this information shall be granted confidential classification for a period of 18 months from the date of issuance of this Order.

It is therefore


ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the request by Tampa Electric Company that the information contained in its Supplemental Surveillance Report/Commercial Industrial Service Rider for October, 2000, be granted confidential classification, is approved. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 16061-00 shall be granted confidential classification for a period of 18 months from the date of the issuance of this Order. It is further

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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 Braulio L. Baez, as Prehearing Officer, this 10th day of April, 2001.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

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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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, August request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 Director, Division of

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Records and Reporting, in the form prescribed by Rule 25-22.060, 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 August be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.