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ORIGINAL

September 27, 2001

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COMMISSION
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Ms. Blanca S. Bayo, Director
Division of Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance
Incentive Factor; FPSC Docket No. 010001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa
Electric Company's Motion for a Protective Order Relating to Florida Industrial Power Users
Group's Third Set of Interrogatories.

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

APP _____ JDB/pp
CAF _____ Enclosures
CMP _____
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CTR _____ cc: All Parties of Record (w/enc.)
ECR _____
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased)
Power Cost Recovery Clause)
and Generating Performance)
Incentive Factor.)
_____)

DOCKET NO. 010001-EI
FILED: September 27, 2001

**TAMPA ELECTRIC COMPANY'S
MOTION FOR A PROTECTIVE ORDER RELATING
TO FLORIDA INDUSTRIAL POWER USERS GROUP'S
THIRD SET OF INTERROGATORIES**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.280(c), Florida Rules of Civil Procedure, moves the Commission for entry of a protective order requiring the Florida Industrial Power Users Group ("FIPUG"), through its counsel of record in this proceeding, to sign an appropriately designed non-disclosure agreement in advance of reviewing certain information to be provided in response to FIPUG's Interrogatories Nos. 43, 44 and 45 and, as grounds therefor, says:

1. Tampa Electric's answers to Interrogatories Nos. 43, 44 and 45 propounded by FIPUG would include more detail than Tampa Electric has provided in the public domain and would include price information which is highly sensitive trade secret information, public disclosure of which would be harmful to the competitive interests of Tampa Electric and to the interests of its retail customers. As such, the information in question is entitled to confidential treatment and counsel for FIPUG should be required to execute a non-disclosure agreement before having access to the information in question. Tampa Electric has redacted the

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confidential trade secret information from its answers to Interrogatories Nos. 43, 44 and 45 pending final disposition of this Motion.

2. On July 20, 2001 Tampa Electric filed a Motion for a Protective Order relating in part to FIPUG's earlier Interrogatory No. 28 which sought the same type of confidential pricing information FIPUG is requesting in its Interrogatories Nos. 43, 44 and 45. As was noted in Tampa Electric's July 20 Motion for a Protective Order, the information sought in Interrogatory No. 28, like the information sought here in Interrogatories Nos. 43, 44 and 45, is very similar in nature to the highly sensitive competitive information that was the subject of a Motion for a Protective Order Tampa Electric filed in this proceeding on July 12, 2001. That July 12 Motion for a Protective Order, likewise, requested that FIPUG's counsel be required to execute an appropriate non-disclosure agreement in advance of having access to the information that was the subject of that Motion. The various arguments set forth in the July 12 Motion for a Protective Order apply with equal force with respect to the confidential pricing information now sought by FIPUG in its Interrogatories Nos. 43, 44 and 45. Tampa Electric adopts and incorporates herein by reference the argument set forth in the company's July 12, 2001 Motion for a Protective Order in support of this Motion. All of the confidential pricing information sought in FIPUG's Interrogatories Nos. 43, 44 and 45 qualifies for confidential treatment under Section 366.093(3)(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 and services on favorable terms) and (e), Florida Statutes, (information relating to competitive interests the disclosure of which would impair the competitive business of the provider of the information). Accordingly, FIPUG should be required to have its counsel enter into a non-

disclosure agreement with respect to Tampa Electric in advance of having access to the confidential pricing information in question.

3. Further, as indicated in paragraph 9 of Tampa Electric's July 12, 2001 Motion for a Protective Order, the non-disclosure agreement should prevent individual FIPUG members from having access to the competitive information sought in Interrogatories Nos. 43, 44 and 45, inasmuch as they are active participants in the wholesale power market in Florida themselves, and could use this information to the detriment of Tampa Electric and its retail customers.

4. FIPUG's counsel and consultants ultimately signed a Non-Disclosure Agreement relating to the confidential trade secret information called for in FIPUG's Interrogatory No. 28. FIPUG, likewise, should be required to sign a non-disclosure agreement with respect to the same type of information sought in FIPUG's Interrogatories Nos. 43, 44 and 45.

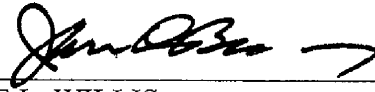
Request for Expedited Ruling

5. Tampa Electric respectfully requests an expedited ruling on this Motion in an effort to allow FIPUG's counsel to have access to the information requested at the earliest possible date while at the same time protecting the competitive interests of Tampa Electric and the interests of its customers.

WHEREFORE, Tampa Electric moves the Commission for entry of a protective order requiring FIPUG's counsel to sign a non-disclosure agreement regarding information sought in FIPUG's Interrogatories Nos. 43, 44 and 45 in advance of having access to such information. The company further requests an expedited ruling on this Motion.

DATED this 27th day of September 2001.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Protective Order, filed on behalf of Tampa Electric Company, has been furnished by hand delivery (*) or U. S. Mail on this 27th day of September, 2001 to the following:

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