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ORIGINAL

December 4, 2001

HAND DELIVERED

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

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COMMISSION
CLERK

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 Request for Confidential Treatment.

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.)

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 010001-EI
Factor.) FILED: December 4, 2001
_____)

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

Tampa Electric Company (“Tampa Electric” or “the company”), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby request confidential treatment of certain of the highlighted portions of Tampa Electric Company’s answers to Staff Interrogatories Nos. 149, 150, 151, 152 and 153 and, as grounds therefor, says:

1. On November 13, 2001 Tampa Electric filed on a confidential basis its answers to Staff’s Fourth Set of Interrogatories Nos. 149, 150, 151, 152 and 153 together with a Notice of Intent to Seek Confidential Classification pursuant to Rule 25-22.006, Florida Administrative Code.

2. Certain of the highlighted portions of the above-referenced interrogatories contain highly sensitive market based price information concerning Tampa Electric’s market based wholesale power purchases and sales. This pricing information is sensitive proprietary business information relating to Tampa Electric’s participation in the highly competitive wholesale electric market in this state and the disclosure of this information would impair the competitive business interests of Tampa Electric.

3. The information in question is the same type of information that the Commission found to be entitled to confidential treatment in its Order No. PSC-01-2122-PCO-EI, issued in this docket on October 29, 2001.

4. Attached hereto as Exhibit "A" is a detailed justification for affording confidential treatment to the information in question.

5. Redacted versions of the confidential information have previously been submitted to the parties.

6. Tampa Electric treats the information in question as confidential and it has not been publicly disclosed.

WHEREFORE, Tampa Electric respectfully requests that the Commission enter an order designated as confidential proprietary business information the highlighted portions of Tampa Electric Company's answers to Staff's Interrogatories Nos. 149 through 153, with the exception of those portions for which the company's request for confidential treatment is withdrawn in Exhibit "A" hereto.

DATED this 4th day of December, 2001.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

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 hand delivery (*) or U. S. Mail on this 4th day of December 2001 to the following:

Mr. Wm. Cochran Keating, IV*
Staff Counsel
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Florida Public Service Commission
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Tallahassee, FL 32399-0850

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St. Petersburg, FL 33733

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Mr. Joseph A. McGlothlin
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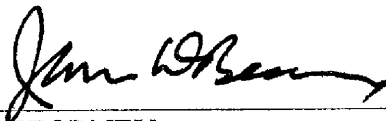
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ATTORNEY

JUSTIFICATION FOR CONFIDENTIAL TREATMENT

Tampa Electric's Answer to Staff's Interrogatory No. 149

<u>Bates Stamp Pages</u>	<u>Column</u>	<u>Line</u>	<u>Rationale</u>
3-11, 13-26, 28-42	Note: The last four columns of these pages were inadvertently highlighted in yellow. The information shown constitutes cost based sales information that is not confidential. Tampa Electric does <u>not</u> seek confidential treatment of the above pages.		
44	The four highlighted columns	All lines	(1)
46	The four highlighted columns	All lines	(1)
48-61	Note: The last four columns of these pages were inadvertently highlighted in yellow. The information in question is cost based information that is non-confidential. Tampa Electric does <u>not</u> seek confidential treatment of these pages.		
63, 65, 66, 68, 70, 72, 74, 76	The four highlighted columns	All lines	(1)

Tampa Electric's Answer to Interrogatory No. 150

<u>Bates Stamp Pages</u>	<u>Column</u>	<u>Line</u>	<u>Rationale</u>
79-87	Note: The last two columns of these pages were inadvertently highlighted in yellow. The information in question is cost based information that is non-confidential. Tampa Electric does <u>not</u> seek confidential treatment of these pages.		
89	The two highlighted columns	All lines	(1)
91, 92, 94, 95, 96, 98-100, 102-105, 107, 109-111, 113, 115, 117-118, 120, 122, 124 and 126	The two highlighted columns	All lines	(1)
128-130	Note: The last two columns of these pages were inadvertently highlighted in yellow. The information in question is cost based information that is non-confidential. Tampa Electric does <u>not</u> request confidential treatment of these pages.		
132	The two highlighted columns	All lines	(1)

134-142	The two highlighted columns	All lines	(1)
144-149	Note: The last two columns of these pages were inadvertently highlighted in yellow. The information in question is cost based information that is non-confidential. Tampa Electric does <u>not</u> seek confidential treatment of these pages.		
151	Note: The last two columns of these pages were inadvertently highlighted in yellow. The information in question is cost based information that is non-confidential. Tampa Electric does <u>not</u> seek confidential treatment of these pages.		

Tampa Electric’s Answer to Interrogatory No. 151

<u>Bates Stamp Pages</u>	<u>Column</u>	<u>Line</u>	<u>Rationale</u>
153, 155	Note: The last two columns of these pages were inadvertently highlighted in yellow. The information in question is cost based information that is non-confidential. Tampa Electric does <u>not</u> seek confidential treatment of these pages.		

Tampa Electric’s Answer to Interrogatory No. 153

<u>Bates Stamp Pages</u>	<u>Column</u>	<u>Line</u>	<u>Rationale</u>
158-160	The four highlighted columns	All lines	(1), (2)

Rationale for Confidential Treatment

- (1) This information is price related information concerning Tampa Electric’s market based wholesale power transactions, the public disclosure of which would harm Tampa Electric’s competitive interests in the wholesale power market. Attached hereto is a copy of Exhibit A to Tampa Electric’s July 12, 2001 Motion for a Protective Order in this docket. In this Affidavit Tampa Electric’s witness, Mr. William L. Brown III, discusses the need for confidential classification of wholesale market information of the type disclosed in the highlighted portion of this interrogatory answer. It is the same type of information the Commission has protected as confidential proprietary business information in this proceeding. See, e.g., Commission Order No. PSC-01-2122-PCO-EI, issued in this proceeding on October 29, 2001. As such, the information in question is information concerning bids or other contractual data the disclosure of which would impair the efforts of Tampa Electric or its affiliates to contract or goods or services on favorable terms. It is also information relating to Tampa Electric’s competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Such information is entitled to confidential protection pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

- (2) This information is not published on an hour by hour basis. It is only submitted on Tampa Electric's FERC Form 1 on an annual total basis. Public disclosure of this information would enable Tampa Electric's competitors to model Tampa Electric's wholesale purchases and sales on an hourly basis to the detriment of Tampa Electric and its retail customer.

AFFIDAVIT

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

Before me the undersigned authority, personally appeared WILLIAM L. BROWN III, who, first being duly sworn, deposed and said that he is Director Wholesale Marketing and Sales of Tampa Electric Company, and that the information below is true and correct to the best of his knowledge, information, and belief.

Confidential treatment of certain electric wholesale market information:

I have been responsible for the purchase and sale of wholesale power for Tampa Electric Company since April, 1997. I have personally witnessed and participated in the development of the wholesale market within peninsular Florida and throughout the country.

I have read the Motion for a Protective Order to which my Affidavit is appended as Exhibit "A". I verify that the factual matters asserted therein regarding the sensitive, competitive nature of the information that is the subject of such Motion and the harm that Tampa Electric and its general body of ratepayers would suffer if the information is made public or shown to any FIPUG member that competes with Tampa Electric in the wholesale power market are true and correct.

Florida's wholesale market is entirely bilateral, i.e. all transactions are one-on-one and treated confidentially. Other regions (hubs) such as Entergy and Cinergy have developed wholesale power price indices which are updated hourly and published on a daily basis. Deal details are generically published, i.e. the parties are not identified. These indices represent average prices for standard products which are bought and sold into/out of these hubs. Deals within Florida, however, are not published. Past, present and future market price discovery within Florida is accomplished via extensive and costly personal inquiry and research. Tampa Electric invests considerable time and resources "defining the market" each hour of each day. Historical price information is invaluable since the market is typically cyclical. Purchased power quantities and actual prices paid for wholesale power by a market participant are invaluable information and are basic building blocks for future market price forecasting models.

In addition to market price discovery, a supplier's costs and availability are valuable information to other participants. A competitor can take advantage of another by knowing their hourly incremental cost of generation. This information can be used to determine the participant's level of vulnerability at any given time, i.e. the cost reveals which generating unit is currently on the margin. This information is invaluable in determining a participant's level of supply at any

given time. Market participants extract most of their profits when supply vs. demand is out of balance, e.g. California. Historical incremental generation cost data is also valuable to competitors in that it can provide a competitor with an inside look at a participant's operations because a participant's generation portfolio or mode of operation does not change significantly from year to year. Incremental cost data for the years 1998 and 1999 are very sensitive from a competitive standpoint and if made public, could be used by Tampa Electric's wholesale competitors to Tampa Electric's significant disadvantage. This is largely because there have not been significant changes to Tampa Electric's system configuration and operation since the beginning of 1998. This applies equally to the cost data requested in FIPUG's Interrogatory No. 11(e) and to the HAP reports Tampa Electric has offered to provide in response to FIPUG's Document Request No. 3.

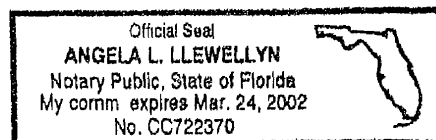
FIPUG has requested that Tampa Electric provide system costs, sales and purchased power information in response to various Interrogatories and Production of Documents (Docket No. 010001-EI). Specific information requests include purchased power and sales contract details, system incremental generation costs, historical power sales quantities and prices and purchased power quantities and prices. (It should be noted that the Federal Energy Regulatory Commission does not allow Tampa Electric to exchange market information with its own affiliates who have market-based pricing authority.) While we have genuinely attempted to comply with FIPUG's requests, we are very concerned with the sensitive nature of this information. FIPUG represents entities who are both Tampa Electric retail customers and wholesale market participants. Should the requested information be shared with FIPUG members who are wholesale market participants or with the public in general, it could disadvantage Tampa Electric's retail customers. We have, therefore, asked FIPUG to sign a non-disclosure agreement as a prerequisite to receiving both market and cost information. FIPUG has objected, which further concerns us and should concern this Commission.

Dated at Tampa, Florida this 12 day of July 2001.


WILLIAM L. BROWN III

Sworn to and subscribed before me this 12th day of July 2001, with the Affiant being personally known to the undersigned.


NOTARY PUBLIC



My Commission expires: MARCH 24, 2002