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ORIGINAL

April 15, 2002

HAND DELIVERED

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

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Re: UNDOCKETED – Review of Confidential Information

Dear Ms. Bayo:

Enclosed for filing in the above-styled matter are the original and fifteen (15) copies of Tampa Electric Company's Post-Workshop Comments Concerning Procedures for Protecting Confidential Information.

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

AUS	_____		
CAF	_____	cc: Robert V. Elias	(w/enc.)
CMP	_____	Vicki Gordon Kaufman	(w/enc.)
COM	_____	Kenneth A. Hoffman	(w/enc.)
CTR	_____	Russell Badders	(w/enc.)
ECR	_____		
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Done 4/17/02

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Confidential)
Procedures.)
_____)

DOCKET NO. UNDOCKETED

FILED: April 15, 2002

**TAMPA ELECTRIC COMPANY'S
POST-WORKSHOP COMMENTS CONCERNING PROCEDURES
FOR PROTECTING CONFIDENTIAL INFORMATION**

As stated at the March 15, 2002 workshop, Tampa Electric supports the concept of lightening the workload on the Staff, Commissioners and parties in processing confidentiality requests. At the same time Tampa Electric stresses the importance of assuring that confidential proprietary business information supplied to the Commission to enable it to perform its regulatory duties remains protected and exempt from public disclosure, as the Legislature intended when it enacted Section 366.093, Florida Statutes.

The Commission has recognized on numerous occasions the importance of protecting proprietary confidential business information from public disclosure. There is a large body of Commission precedent in this regard, especially in the areas of competitively negotiated prices, terms and conditions of fuel procurement and fuel transportation services as well as market based wholesale power sales and purchases.

Competitively sensitive business information needs to be protected from public disclosure in order to avoid harming the competitive interests of the provider of the information. In the case of an electric utility, or one of its affiliates providing goods or services, disclosure of competitive information ultimately harms the economic interests of the utility's general body of ratepayers – the very harm the Legislature sought to avoid when it enacted Section 366.093, Florida Statutes.

The Commission should also recognize that electric utilities provide electric service to a number of large industrial customers who generate electricity and who actively compete with the utilities in the highly competitive wholesale electric power market. As a consequence, allowing these direct competitors to have access to a utility's proprietary competitive information would give the non-utility competitor an unfair advantage in the wholesale power market. If the utility loses a wholesale sale opportunity to a non-utility generator because of this unfair advantage, the utility's customers miss out on the benefits of the sale. The end result is the non-utility generator having access to competitive utility information is benefited at the direct expense of the utility's general body of ratepayers.

Tampa Electric believes that any search for ways to streamline confidentiality procedures should begin with an assessment of all available measures that do not require changes to Section 366.093, Florida Statutes. There may be ways to reduce the time and expense of processing confidentiality requests without having to resort to statutory changes. For example, regularly occurring confidentiality requests concerning a particular type or category of information and the orders disposing of those requests could simply incorporate, by reference, the confidentiality justifications submitted in prior requests and approved in prior orders without restating the same justifications at length in each new request and each new order disposing of a request. This is just one example. Surely there are others.

Once again, if there is a way to reduce or eliminate unnecessary effort and expense in processing confidentiality requests, Tampa Electric is all for it, provided the availability of appropriate confidential classification is not adversely affected.