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October 3, 2002

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VIA FEDERAL EXPRESS

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

Re: Docket No. 020384-GU -- Application for a rate increase by Tampa Electric Company d/b/a PEOPLES GAS SYSTEM

Dear Ms. Bayo:

Enclosed for filing in the above docket on behalf of Peoples Gas System, please find the original and 20 copies of Peoples' Motion for Temporary Protective Order relating to documents produced pursuant to certain categories of the Citizens' First Set of Requests for Production of Documents.

Please acknowledge your receipt and the date of filing of the enclosures on the duplicate copy of this letter, and return the same to me in the enclosed preaddressed envelope.

Thank you for your assistance.

Sincerely,

[Handwritten Signature]
ANSLEY WATSON, JR.

AWjr/a
Enclosures

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Blanca S. Bayo, Director
October 3, 2002
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cc: Parties of Record
Ms. Angela Llewellyn
Matthew R. Costa, Esquire

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a rate increase by :
Tampa Electric Company d/b/a Peoples :
Gas System :

Docket No. 020384-GU

Submitted for Filing:
10-4-02

PEOPLES' MOTION FOR TEMPORARY PROTECTIVE ORDER

Peoples Gas System ("Peoples" or the "Company"), by its undersigned attorneys, hereby moves pursuant to Section 366.093, *Florida Statutes*, and Rule 25-22.006(6), *Florida Administrative Code*, for entry of a temporary protective order covering certain documents sought in discovery by the Office of Public Counsel on behalf of the Florida Citizens, and as grounds therefor states as follows:

1. On or about September 20, 2002, Peoples responded to the Florida Citizens' First Set of Requests for Production of Documents (the "Citizens' Request"). Copies of certain responsive documents were delivered to counsel for the Florida Citizens, and other responsive documents were made available for inspection and copying to counsel and consultants for the Florida Citizens and the Commission Staff during the period September 23-26, 2002. The information in certain of the responsive documents is sensitive, confidential proprietary business information that has been treated as such by Peoples, its parent company and affiliates, and is information that Peoples has agreed to keep confidential.

2. This information includes:

(a) capital, expense and revenue budget reports to the management of Peoples, its affiliates and parent company, containing sensitive financial and forecast information, specific plans for future projects, and other information,

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disclosure of which would impair the competitive businesses of Peoples, its affiliates and parent company, and therefore cause harm to such companies and Peoples' ratepayers (Categories 1, 2, 3, 8 and 9 of the Citizens' Request);

(b) specific information in portions of the federal income tax returns of the Company, disclosure of which would cause harm to the Company's business operations and ratepayers (Category 22 of the Citizens' Request);

(c) agreements and other documents related to the settlement of litigated claims against the Company, disclosure of which would cause harm to the Company's business operations and ratepayers (Category 27 of the Citizens' Request);

(d) information relating to the compensation philosophy of Peoples and its parent company, together with payroll and bonus or incentive compensation information for Peoples' employees, disclosure of which would impair the competitive business interests of Peoples and its parent company and therefore cause harm to such companies and Peoples' ratepayers (Categories 36 and 37 of the Citizens' Request);

(e) specific information in portions of Internal Revenue Service audits of the federal income tax returns filed by TECO Energy, Inc. as successor to Lykes Energy, Inc., disclosure of which would cause harm to the Company's business operations and ratepayers (Category 45 of the Citizens' Request);

(f) workpapers of Peoples' witnesses in this proceeding containing sensitive financial and forecast information, specific plans for future projects, and

other information, disclosure of which would impair the competitive business of Peoples, and therefore cause harm to Peoples and its ratepayers (Categories 49 and 50 of the Citizens' Request);

(g) contract terms and conditions and other sensitive information relating to additional pipeline capacity acquired by the Company, disclosure of which would impair the competitive business of Peoples, and therefore cause harm to the Company and its ratepayers (Categories 59 and 70 of the Citizens' Request);

(h) contractual data regarding services performed by contractors engaged by the Company, disclosure of which would impair the future efforts of the Company to contract for goods or services on favorable terms (Category 71 of the Citizens' Request); and

(h) other contractual data, disclosure of which would impair the future efforts of the Company to contract for goods or services on favorable terms (Category 63 of the Citizens' Request).

3. Section 366.093(2), *Florida Statutes*, and Rule 25-22.006(6), *Florida Administrative Code*, direct that all records produced pursuant to a discovery request for which proprietary confidential status is requested shall be treated by the Commission and the Office of Public Counsel as confidential and shall be exempt from the public records law, Section 119.07(1), *Florida Statutes*. Peoples by this motion seeks protection of the above described documents, but will provide copies of the documents responsive to these requests marked as confidential subject to this request and the above laws. By following this procedure and producing these documents, Peoples does not waive its right to seek

further relief as necessary to make certain that its confidential proprietary business information is not publicly disclosed.

4. Peoples further requests that in connection with the entry of a temporary protective order the Commission also require the Office of Public Counsel, upon determining that it intends to use any of such confidential documents in connection with the hearing, provide Peoples with notice of such intent.

WHEREFORE, Peoples requests that the Commission enter an Order granting this motion relating to certain documents identified as confidential produced in response to Categories 1, 2, 3, 8, 9, 22, 27, 36, 37, 45, 49, 50, 59, 63, 70 and 71 of the Citizens' First Set of Requests for Production of Documents and provided to the Office of Public Counsel, instructing Public Counsel to continue to treat them as confidential, and requiring Public Counsel to provide Peoples with notice of its intent to use any of such confidential documents in connection with the hearing in accordance with the Order Establishing Procedure issued in this docket.

Respectfully submitted,



ANSLEY WATSON, JR.
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(813) 273-4321

and

MATTHEW R. COSTA
Legal Department
TECO Energy, Inc.
P. O. Box 111
Tampa, Florida 33601-1531
(813) 228-4938

Attorneys for Peoples Gas System

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy of the foregoing Motion for Temporary Protective Order has been furnished via e-mail and Federal Express to H. F. Rick Mann, Esquire, Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399-1400, and that a copy of said Motion has been furnished by hand delivery* or Federal Express** to the following, this 3rd day of October, 2002:

John W. McWhirter, Jr., Esquire*
McWhirter, Reeves, McGlothlin *et al.*
P. O. Box 3350
Tampa, Florida 33601-3350

Donna DeRonne**
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Ansley Watson, Jr.