

In re: Fuel and purchased power
cost recovery clause and
generating performance incentive
factor.

DOCKET NO. 020001-EI
ORDER NO. PSC-02-1610-CFO-EI
ISSUED: November 20, 2002

ORDER GRANTING CONFIDENTIAL CLASSIFICATION FOR SPECIFIED PORTIONS
OF EXHIBIT JTW-1 TO THE DIRECT TESTIMONY OF TAMPA ELECTRIC
COMPANY WITNESS JOANN T. WEHLE (DOCUMENT NO. 10101-02)

On September 20, 2002, Tampa Electric Company (TECO) prefiled the direct testimony of Joann T. Wehle, including exhibits, in Docket 020001-EI. On the same date, pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, TECO filed a request for confidential classification of specified portions of Exhibit JTW-1 to Ms. Wehle's direct testimony. The information for which TECO seeks confidential classification was filed with the Commission as Document No. 10101-02.

Section 366.093(3), Florida Statutes, defines proprietary confidential business information as "information controlled by a person or company that is intended to be and is treated by that person or company as private because disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed." Sections 366.093(d) and (e), Florida Statutes, provide that proprietary confidential business information includes, among other things:

- (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 or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Specifically, TECO requests that confidential classification be provided for the information in Lines 1, 3, 5, 7, 8, and 9, Page 2 of 2 of Exhibit JTW-1.

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TECO states that the information in Line 1, Page 2 of 2, of Exhibit JTW-1 includes the total price and the weighted average per ton water transportation price from all TECO coal sources. TECO states that the prices shown on Line 1 can be used with other publicly available data to determine the segmented transportation prices for river barge transportation services as well as ocean barge transportation services. TECO asserts that this information is entitled to confidential classification under Section 366.093(3)(d) and (e), Florida Statutes, because disclosure of this information would impair the efforts of TECO to contract for goods and services on favorable terms and harm the competitive interests of TECO's transportation affiliates, thereby ultimately harming TECO and its customers. TECO states that there is vigorous competition among suppliers of these transportation services, and any public disclosure of prices charged by TECO's affiliates would eliminate any negotiating leverage which the affiliates have in marketing their services to others.

In addition, TECO states that the information shown in Lines 3, 5, 7, 8, and 9, Page 2 of 2, of Exhibit JTW-1 could be used in conjunction with other information in the document to calculate the confidential amounts in Line 1. Thus, TECO asserts that the information in Lines 3, 5, 7, 8, and 9 is entitled to confidential classification for the same reasons as the amounts shown in Line 1.

Upon review, I find that the information for which TECO seeks confidential classification is proprietary confidential business information as defined in Section 366.093(3), Florida Statute. The disclosure of this information would impair the efforts of TECO to contract for goods and services on favorable terms. The disclosure of this information would also harm the competitive interests of TECO's affiliates, which may ultimately harm TECO and its customers. Accordingly, this information is granted confidential classification.

Section 366.093(4), Florida Statutes provides that any finding by the Commission that records contain proprietary confidential business information shall be effective for a period not to exceed 18 months, unless the Commission finds good cause to specify a longer period. In its request, TECO seeks confidential classification for a period of two years from the date of its filing.

TECO asserts that any outside customer of TECO Transport and Trade can determine that until November 1, 1988, TECO paid cost for coal transportation from TECO Transport and Trade and that the contracts revised at that time include escalation clauses. TECO states that as long as an outside customer does not know how the escalation clauses affect the price, the cost cannot be calculated. TECO further states that a perceptive vendor can accurately measure the escalation with two full, consecutive years of data, but that data over two years old is not valuable to such a vendor. Accordingly, TECO seeks confidential classification for the information discussed above for a two-year period.

Upon review, I find that TECO has shown good cause for extending the period of confidential classification of this information to two years from the date of its filing. Accordingly, TECO's request for a two-year period for protection from disclosures is granted. The information discussed above shall be provided confidential classification until September 20, 2004.

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Tampa Electric Company's Request for Confidential Classification is granted as set forth in the body of this Order. It is further

ORDERED that the information described within the body of this Order and contained in Document No. 10101-02 is granted confidential classification until September 20, 2004, two years from the date of Tampa Electric Company's Request for Confidential Classification. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 20th day of November, 2002.



MICHAEL A. PALECKI
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, may 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 the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling

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or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.