

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Cargill
Fertilizer, Inc. for permanent
approval of self-service
wheeling to, from, and between
points within Tampa Electric
Company's service area.

DOCKET NO. 020898-EQ
ORDER NO. PSC-03-0101-CFO-EQ
ISSUED: January 16, 2003

ORDER GRANTING REQUESTS FOR CONFIDENTIAL CLASSIFICATION OF
CERTAIN INFORMATION CONTAINED IN EIGHT QUARTERLY REPORTS FILED BY
TAMPA ELECTRIC COMPANY (DOCUMENTS NOS. 09646-02 AND 12490-02)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Tampa Electric Company (TECO) has filed two requests for specified confidential treatment of certain information contained in its quarterly reports filed pursuant to Order No. PSC-00-1596-TRF-EQ, issued September 6, 2000, and consummated by Order No. PSC-00-1808-CO-EQ, issued October 3, 2000, in Docket No. 001048-EQ. The quarterly reports identify the costs and revenues associated with the Cargill Fertilizer, Inc. (Cargill) self-service wheeling pilot program.

TECO's first Request for Confidential Classification was filed on September 11, 2002, and amended on September 24, 2002. That Request pertains to Document No. 09646-02, which consists of the first seven quarterly reports at issue. Document No. 12490-02 consists of the eighth such quarterly report, which TECO filed on November 14, 2002, along with justification for confidential classification of certain highlighted portions thereof.

The information identified by TECO as confidential with respect to Documents Nos. 09646-02 and 12490-02 is the "avoided incremental fuel and purchased power expense" for each month and each quarter, as reflected in the second component under Item 7 of each quarterly report, entitled "fuel and purchased power cost recovery." Additionally, TECO states that in order to prevent its competitors from arithmetically backing into the "avoided incremental fuel and purchased power expense," the values shown under Item 7 in each quarterly report for "lost retail tariff time-of-use fuel revenues" and "net impact to fuel recovery clause" must also be treated confidentially in order to protect against

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inadvertent disclosure of the "avoided incremental fuel and purchased power expense."

As justification for the confidential treatment of this information, TECO states that it actively participates in the wholesale power market and has many competitors in that market. Any entity competing against TECO which will make wholesale sales to third parties would derive a significant competitive advantage by knowing information reflecting on the probable price or price range that TECO is willing to charge for a particular sale. Disclosing TECO's avoided incremental fuel and purchased power expense would disclose to its wholesale competitors valuable information regarding the cost that TECO could be expected to incur in making a particular sale. Armed with this cost information, TECO's competitors can more accurately project the price at which TECO would offer to sell wholesale power. This would enable competitors to structure their own offers to undercut TECO's price and thereby secure a sale at the expense of TECO and its general body of ratepayers, who benefit from such sales.

Moreover, TECO states that disclosing its avoided incremental fuel and purchased power expense would arm potential purchasers of TECO's wholesale power with valuable cost information and enable them to offer to buy power from TECO at slightly above the company's incremental fuel and purchased power cost. This would reduce the gains that TECO might otherwise obtain from wholesale power sales, to the ultimate detriment of TECO and its general body of ratepayers. As such, the avoided incremental fuel and purchased power expense is information relating to competitive interests, the disclosure of which would impair the competitive business of the provided of the information, and the information is thus entitled to confidential treatment pursuant to Section 366.093(3)(e), Florida Statutes.

Upon review, it appears that the foregoing information is proprietary confidential business information, within the meaning of Section 366.093(3), Florida Statutes, for the reasons expressed by TECO. Therefore, TECO's request for confidential classification of this information is granted.

Section 366.093(4), Florida Statutes, provides that "any finding by the Commission that records contain proprietary

ORDER NO. PSC-03-0101-CFO-EQ
DOCKET NO. 020898-EQ
PAGE 3

confidential business information is effective for a period not to exceed 18 months, unless good cause is shown for a specified longer period." TECO did not specify a time period in its request. Therefore, this information shall remain confidential for a period of 18 months from the issuance of this order. At the conclusion of the 18 month period, TECO may, at its discretion, renew its request for confidentiality. Moreover, as prescribed by Section 366.093(2), Florida Statutes, the subject information shall be returned to TECO if not entered into the record.


Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that Tampa Electric Company's Requests for Confidential Classification of Documents Nos. 09646-02 and 12490-02 are granted. It is further

ORDERED that the information described within the body of this order and contained in Documents Nos. 09646-02 and 12490-02 is granted confidential classification for a period of 18 months from the issuance date of this order. It is further

ORDERED that this order shall be the only notification by the Commission to the parties of the declassification date of this information.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 16th day of January, 2003.



RUDOLPH "RUDY" BRADLEY
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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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 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.