

# AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

September 19, 2002

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

Re: Application of Cargill Fertilizer, Inc. to engage in self-service wheeling of waste heat cogenerated power to, from and between points within Tampa Electric Company's Service Territory; FPSC Docket No. 020898-EQ

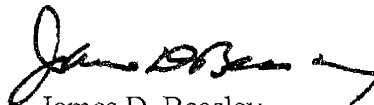
Dear Ms. Bayo:

Enclosed for filing in the above dockets are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification.

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

DOCUMENT NUMBER DATE

09014 SEP 19 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Cargill Fertilizer, Inc. ) DOCKET NO. 020898-EQ  
to engage in self-service wheeling of waste ) FILED: September 19, 2003  
heat cogenerated power to, from and )  
between points within Tampa Electric )  
Company's service territory. )  
\_\_\_\_\_ )

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain highlighted information contained in the Exhibit (WRA-1) of William R. Ashburn that accompanied Mr. Ashburn's prepared direct testimony (the "Confidential Information"). A single copy is being filed under a separate transmittal marked "Confidential" with the confidential information highlighted in yellow. Attached hereto as Exhibit "A" is a justification for designating the Confidential Information proprietary confidential business information under the above-referenced statute and rule.

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s.119.07(1) [requiring disclosure under the Public Records Act]." The proprietary confidential business information includes, but is not limited to:

(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. (Section 366.093(3)(d), Florida Statutes)

2. Proprietary confidential business information also includes:

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the

provider of the information. (Section 366.093(3)(e), Florida Statutes)

3. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

4. The material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

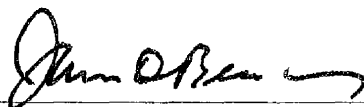
WHEREFORE, Tampa Electric respectfully requests that the highlighted Confidential Information set forth in the Exhibit (WRA-1) be accorded confidential classification for the reasons set forth above.

DATED this 19<sup>th</sup> day of September 2003.

Respectfully submitted,

HARRY W. LONG, JR.  
Assistant General Counsel  
Tampa Electric Company  
Post Office Box 111  
Tampa, Florida 33601  
(813) 228-1702

And

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

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

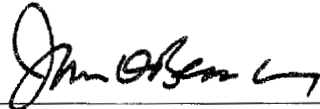
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Request for Confidential Classification, filed on behalf of Tampa Electric Company, has been furnished by hand delivery (\*) or U. S. Mail on this 19<sup>th</sup> day of September 2003 to the following:

Ms. Rosanne Gervasi\*  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. John W. McWhirter, Jr.  
McWhirter, Reeves, McGlothlin,  
Davidson, Kaufman & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-3350

Ms. Vicki Gordon Kaufman\*  
Mr. Joseph A. McGlothlin  
Mr. Timothy J. Perry  
McWhirter, Reeves, McGlothlin,  
Davidson, Kaufman & Arnold, P.A.  
117 South Gadsden Street  
Tallahassee, FL 32301



\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT  
OF HIGHLIGHTED PORTIONS OF DOCUMENT NOS. 2, 3, 6 AND 12 OF  
EXHIBIT (WRA-1) OF WITNESS WILLIAM R. ASHBURN**

**Document No.2**

<u>Page</u>	<u>Line</u>	<u>Justification</u>
2	Entire graph	(1)

**Document No. 3**

<u>Page</u>	<u>Lines</u>	<u>Justification</u>
3	9, 11 & 14	(2)

**Document No. 4**

<u>Page</u>	<u>Lines</u>	<u>Justification</u>
2	9, 11 & 14	(2)

**Document No.12**

<u>Page</u>	<u>Lines</u>	<u>Justification</u>
2	9, 11 & 14	(2)

---

(1) This information if made public would disclose operational characteristics of Cargill, such as the generator capability, operational characteristics and production data. This is information that could be useful to a competitor. As such, it is information relating to competitive interest, the disclosure of which would impair the competitive business of Cargill. As such, this information is entitled to protection under Section 366.093(3)(d) and (e), Florida Statutes.

(2) The amount shown can be used with other publicly available information to derive or "back into" Tampa Electric's incremental fuel cost of generation. Public disclosure of Tampa Electric's incremental fuel cost would harm Tampa Electric's ability to compete in the wholesale power supply market. The same type of information has been afforded confidential treatment by the Commission in the quarterly reports Tampa Electric has filed in connection with the Cargill Self-Service Wheeling Pilot program. Given the proprietary nature of this information it is entitled to confidential classification under Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code.