

# AUSLEY & McMULLEN

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October 2, 2003

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: Fuel and Purchased Power Cost Recovery Clause with Generating Performance  
Incentive Factor; FPSC Docket No. 030001-EI

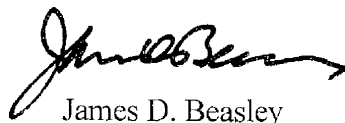
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) 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  
Enclosure

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER-DATE  
09555 OCT-28  
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery )  
Clause with Generating Performance Incentive ) · DOCKET NO. 030001-EI  
Factor. ) FILED: October 2, 2003  
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**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 its Answers to Sixth Set of Interrogatories (Nos. 51, 55, 58, 67, 77, 78 and 79) of the Florida Public Service Commission Staff (the “Confidential Information”). A single copy of the above interrogatory answers is being filed under a separate transmittal letter 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)

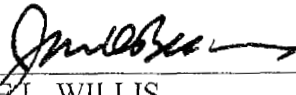
3. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

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 its Answers to Staff's Sixth Set of Interrogatories (Nos. 51, 55, 58, 67, 77, 78 and 79) be accorded confidential classification for the reasons set forth above.

DATED this 2<sup>nd</sup> day of October 2003.

Respectfully submitted,

  
\_\_\_\_\_  
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 and correct copy of the foregoing Request for Confidential Classification has been furnished by U. S. Mail or hand delivery (\*) on this 2<sup>nd</sup> day of October 2003 to the following:

Mr. Wm. Cochran Keating, IV\*  
Senior Attorney  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

Mr. James A. McGee  
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Progress Energy Florida, Inc.  
Post Office Box 14042  
St. Petersburg, FL 33733

Mr. Joseph A. McGlothlin  
Ms. Vicki Gordon Kaufman  
Mr. Timothy J. Perry  
McWhirter, Reeves, McGlothlin,  
Davidson, Kaufman & Arnold, P.A.  
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Tallahassee, FL 32301

Mr. Robert Vandiver  
Associate Public Counsel  
Office of Public Counsel  
111 West Madison Street – Suite 812  
Tallahassee, FL 32399-1400

Mr. Norman Horton  
Messer Caparello & Self  
Post Office Box 1876  
Tallahassee, FL 32302

Mr. John T. Butler  
Steel Hector & Davis LLP  
200 South Biscayne Boulevard  
Suite 4000  
Miami, FL 33131-2398

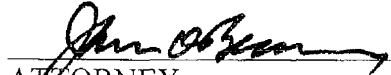
Mr. William Walker  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

Mr. R. Wade Litchfield  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, FL 33408

Mr. John W. McWhirter, Jr.  
McWhirter, Reeves, McGlothlin,  
Davidson, Kaufman & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
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Ms. Susan Ritenour  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520

Mr. Jeffrey A. Stone  
Mr. Russell A. Badders  
Beggs & Lane  
Post Office Box 12950  
Pensacola, FL 32591-2950

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT  
OF HIGHLIGHTED PORTIONS OF ANSWERS TO SIXTH SET OF  
INTERROGATORIES NOS. 51, 55, 58, 67, 77, 78 AND 79  
OF THE FLORIDA PUBLIC SERVICE COMMISSION STAFF**

**Interrogatory No. 51**

(Page references are the Bates stamp pages numbers at the bottom of each page)

<u>Page</u>	<u>Line</u>	<u>Detail</u>	<u>Rationale</u>
4	8	The Highlighted Information	(1)

**Interrogatory No. 55**

8	7	The Highlighted Information	(2)
8	Footnote 2	The Highlighted Information	(2)

**Interrogatory No. 58**

13	3,4,5	The Highlighted Information	(3)
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**Interrogatory No. 67**

23	5,6,7,9,10	The Highlighted Numbers	(4)
23	8	The Highlighted Numbers	(2)

**Interrogatory No. 77**

35	13,14,15,16, 17,19,20	The Highlighted Numbers	(2)
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**Interrogatory No. 78**

36	1 – 6	All Highlighted Numbers	(1)
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**Interrogatory No. 79**

37	6,7,8	All Highlighted Information	(1)
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- (1) Disclosure of this information would publish details regarding ongoing contractual negotiations which would adversely affect Tampa Electric's interests under subsections (d) and (e) of Section 366.093(3), Florida Statutes as stated above. This would harm the

competitive interests of Tampa Electric as well as its ability to contract for services on favorable terms.

- (2) Disclosure of this information would publish existing contractual terms which, in turn, would impair the efforts of Tampa Electric to contract for goods and services on favorable terms. The information, likewise, constitutes information relating to the competitive interests of Tampa Electric. This existing contractual data should be protected from public disclosure in order to protect Tampa Electric's competitive interests.
- (3) Disclosure of this information would harm Tampa Electric's competitive position in the coal supply market if potential suppliers were apprised of the level of purchases Tampa Electric makes or are expected to be made from foreign sources. This would have a direct impact on Tampa Electric's negotiating posture and adversely affect the company's competitive position in future negotiations.
- (4) The highlighted numbers reflect components of Tampa Electric's affiliate transportation rates or which can be used with other publicly filed information to derive such competitive rate information. Disclosure of this information would harm TECO Transport's competitive interests. As such, the information is entitled to confidential treatment pursuant to the above-referenced rule and statute.