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October 10, 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 of portions of its Response to Staff's Third Request for Production of Documents (Nos. 13 and 14).

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
39910 OCT 10 8
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 10, 2003
_____)

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 portions of its Responses to Third Request for Production of Documents (Nos. 13 and 14) of the Florida Public Service Commission Staff (the “Confidential Information”). A single copy of the above production answers is being filed under a separate transmittal letter marked “Confidential” with the confidential information highlighted in yellow. The Confidential Information is all contained in Tampa Electric’s response to Production of Document No. 13. 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.

5. The request for confidential classification is intended to serve as Tampa Electric's motion for a protective order pursuant to Rule 25-22.006(6), Florida Administrative Code.

WHEREFORE, Tampa Electric respectfully requests that the highlighted Confidential Information set forth in its Responses to Third Request for Production of Documents (Nos. 13-14) of the Florida Public Service Commission Staff be accorded confidential classification for the reasons set forth above.

DATED this 10³ day of October 2003.

Respectfully submitted,



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(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 10th day of October 2003 to the following:

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ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT
OF BATE STAMPED PAGES 35 THROUGH 198 OF TAMPA ELECTRIC
COMPANY'S RESPONSE TO STAFF'S PRODUCTION OF DOCUMENT (NO. 13)**

All of the page references herein are to the Bates stamped page numbers at the bottom of the pages of Tampa Electric's response to Staff's Request for Production of Documents No. 13.

<u>Bates Stamp Page No.</u>	<u>Justification</u>
35	(1)
36	(2)
37	(3)
38-40	(4)
41-45	(5)
46-53	(6)
54-61	(7)
62	(8)
63-64	(9)
65-67	(10)
68-123	(11)
124-198	(12)

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- (1) The information contained on this page is an e-mail containing the proprietary work product of Tampa Electric's consultant, Dibner Marine Associates or "DMA". The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to gather and update the information and develop methods of analysis. This information is in nature of a trade secret owned by DMA. It is also in the nature of information relating to competitive interests, the disclosure of which would impair DMA's competitive business interests by diminishing the demand for DMA's proprietary work product. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093(3)(a) and (e), Florida Statutes.

- (2) This page discloses expected monthly coal and petcoke use by contract or fuel type. Disclosure of this information could harm Tampa Electric's position in negotiating additional fuel purchases during 2004 and beyond. As such, this information concerns contractual data the disclosure of which would impair the efforts of Tampa Electric to contract for goods in the future. For this reason it is entitled to confidential protection under Section 366.093(3)(d), Florida Statutes.
- (3) The information on Bates stamp page 37 shows the rates of Tampa Electric's transportation contract with TECO Transport. It also reveals bidders identity and information included in their confidential proposals. Public disclosure of this information would harm the competitive interests of TECO Transport and would also compromise Tampa Electric's competitive position in future efforts to negotiate waterborne transportation services. Disclosing bidders identities and the information included in their confidential proposals would discourage those bidders from participation in future RFPs as they do not desire for their competitors to have access to the terms and conditions under which they will bid on transportation services. As such, public disclosure of the information contained on Bates stamp page 37 would adversely affect the competitive interests of TECO Transport and the ability of Tampa Electric to contract for goods and services on favorable terms. Consequently, the information in question is entitled to confidential protection under Section 366.093(d) and (e), Florida Statutes.
- (4) These pages present a summary of coal commodity contract rates and transportation contract rates currently in effect for Tampa Electric. Disclosure of the commodity contract information will adversely affect Tampa Electric in future negotiations for coal purchases. Similarly disclosing the transportation rates of Tampa Electric's contract with TECO Transport will damage that company's competitive position in the waterborne transportation markets. As such, the information in question is entitled to protection under Section 366.093(d) and (e), Florida Statutes.
- (5) These pages set forth evaluation of bidders proposals and reveal Tampa Electric's coal commodity pricing, transportation rates under its current contract with TECO Transport as well as bidders identities and information on their proposals to Tampa Electric. As such, the information on pages 41-45 are entitled to confidential protection for the same reasons set forth above with respect to page 37 and pages 38-40.
- (6) These pages disclose TECO Transport's monthly delivery schedule to Tampa Electric and position reports – by vessel. Public disclosure of this information would adversely affect TECO Transport's competitive position in the waterborne transportation markets by allowing Transport's competitors to profile the capacity, availability and non-availability of the various individual vessels in Transport's fleet. As such, the information in question is entitled to confidential protection pursuant to Section 366.093(d) and (e), Florida Statutes.
- (7) These pages consist of a Tampa Electric memo and calculated contract adjustments under the existing TECO Transport contract with Tampa Electric. These pages reveal detailed

contract rate information and, therefore, are entitled to confidential protection for the same reasons stated above with respect to pages 37 and 38-40.

- (8) This page reveals expected locations from which Tampa Electric would take coal deliveries on the river system. Disclosure of this information would adversely affect Tampa Electric's position in future coal supply negotiations as well as TECO Transport's competitive position for negotiating contracts for transportation for other clients. As such, the information in question is entitled to confidential treatment under Section 366.093(3)(d) and (e), Florida Statutes.
- (9) These pages contain notes from a meeting with Tampa Electric's consultant DMA, that described the consultant's work product, the data selected for review and DMA's analytical methods. As such, this information is entitled to confidential treatment for the same reasons stated above with respect to Bates stamp page 35.
- (10) These pages present a summary of the bidders' proposals and proposal evaluation materials. This discloses detailed bidders information contrary to the competitive interests of those bidders and contrary to Tampa Electric's ability to solicit bids from those bidders in future RFP solicitation. This would adversely affect the competitive interests of the bidder as well as Tampa Electric's ability to contract for goods and services on favorable terms in the future. As such, the information is entitled to confidential treatment under Section 366.093(3)(d) and (e), Florida Statutes.
- (11) These pages consist of reports Tampa Electric has purchased from Dunn & Bradstreet ("D&B"). These reports were provided to Tampa Electric under contract with D&B and for Tampa Electric's exclusive use. The information in question cannot be disclosed without appropriate compensation to D&B. In addition, these pages reveal the identity of bidders which could adversely affect Tampa Electric's ability to contract for goods and services in future solicitations. The D&B work product and the identity of the bidders are entitled to confidential treatment pursuant to Section 366.093(3)(d) and (e), Florida Statutes.
- (12) These pages contain the work product of Tampa Electric consultants, Sargent & Lundy – documents that were used to conduct analyses as well as the consultant's report. In addition, these pages reveal the identity of the rail proposal bidder and disclose specific information included in that bidder's proposal. As such, the information in question is entitled to confidential treatment for the same reasons set forth above with Bates stamp pages 35 and 65-67.