

ORIGINAL

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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, FL 32399-0850

RECEIVED- FPSC
03 OCT 10 AM 11:00
COMMISSION CLERK

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:

At the Prehearing Conference conducted in the above proceeding on October 6, 2003 Tampa Electric and Cargill both indicated that they planned to rely upon certain information at the final hearing in this cause for which claims of confidentiality have been made. We wish to confirm that it is Tampa Electric's intention to follow the procedures prescribed in the Commission's Order No. PSC-03-0866-PCO-EQ issued in this docket on July 24, 2003 for the use of confidential information at hearing. Attached hereto as Exhibit A is an excerpt from that order setting forth the requirements for use of confidential information at hearing.

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

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FPSC-BUREAU OF RECORDS

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Attachment
cc: All Parties of Record (w/attachment)

DOCUMENT NUMBER-DATE

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ORDER NO. PSC-03-0866-PCO-EQ
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and to preserve the prehearing and hearing dates already reserved for this case.

- 1) Cargill's direct testimony and exhibits August 27, 2003
- 2) TECO's direct testimony and exhibits/staff's direct testimony and exhibits, if any September 10, 2003
- 3) Rebuttal testimony and exhibits/ Prehearing Statements September 24, 2003
- 4) Prehearing Conference October 6, 2003
- 5) Discovery Cut-Off October 15, 2003
- 6) Hearing October 22, 2003
- 7) Briefs November 19, 2003

USE OF CONFIDENTIAL INFORMATION AT HEARING

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding. Any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute. Failure of any party to comply with the seven-day requirement described above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.

When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the

Exhibit A

DOCUMENT NUMBER-DATE

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contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material. Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so. At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of the Commission Clerk and Administrative Services's confidential files.

POST-HEARING PROCEDURE

If the Commission does not make a bench decision at the hearing, each party shall file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a post-hearing statement is required and a party fails to file it in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, Florida Administrative Code, a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 50 pages, and shall be filed at the same time.

Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that Cargill Fertilizer, Inc.'s Request for Oral Argument on its Motion to Compel Tampa Electric Company to Respond to Outstanding Discovery is denied. It is further