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October 16, 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

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 certain information contained in the supplemental prepared direct testimony of Tampa Electric's witness Brent Dibner as well as in Mr. Dibner's supplemental exhibit.

Also included are the original and ten (10) copies each of pages 23 and 24 of Tampa Electric Witness Brent Dibner's supplemental testimony and pages 12, 13 and 15 of the supplemental testimony of Witness Joann Wehle, both marked "Revised October 16, 2003." As explained in the Request for Confidential Classification, the revised supplemental testimony pages are submitted to make public certain information originally sought and be protected as confidential but which no longer needs to be protected.

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/bjd

Enclosures

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

DOCUMENT NUMBER-DATE
10143 OCT 16 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 16, 2003
_____)

**TAMPA ELECTRIC COMPANY'S
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 supplemental prepared direct testimony of Tampa Electric witness Brent Dibner as well as in Mr. Dibner's supplemental exhibit and, as grounds therefor, says:

1. On September 25, 2003 Tampa Electric submitted its Notice of Intent to Seek Confidential Classification of certain information set forth in the supplemental prepared direct testimonies of Tampa Electric witnesses Brent Dibner and Joann T. Wehle as well as in Mr. Dibner's supplemental exhibit. Tampa Electric accompanied that filing with a submission under a separate cover letter of a single confidential highlighted version of each of the two testimonies and of Mr. Dibner's supplemental exhibit. In addition, the company filed redacted versions of the supplemental testimonies of Ms. Wehle and Mr. Dibner.

2. Tampa Electric requested confidential treatment of portions of the testimonies of Joann T. Wehle and Brent Dibner because there were references to ongoing contractual negotiations contained therein. The company has since concluded those negotiations and executed a new contract. Therefore, certain portions of the information originally filed as confidential need no longer be treated as such. Tampa Electric consequently includes herewith

the original and ten copies of pages 12, 13 and 15 of Ms. Wehle's supplemental testimony with the confidential highlighting removed. These pages should be substituted for the corresponding pages previously filed.

3. With respect to Mr. Dibner's testimony Tampa Electric includes herewith the original and ten copies of a revised redacted version of page 23 and an unredacted version of page 24 of Mr. Dibner's supplemental testimony with the information that no longer needs to be treated confidentially no longer redacted. We would appreciate your substituting the revised redacted page in place of those previously filed with the Commission. Tampa Electric is filing under a separate confidential cover letter a single highlighted confidential version of page 23 of Mr. Dibner's supplemental testimony to be substituted in place of the corresponding page in the earlier filing.

4. The information contained in the yellow highlighted pages or portions thereof in the supplemental testimony of Mr. Dibner (as amended above) and in the exhibit that accompanied Mr. Dibner's supplemental testimony remains in need of confidential protection. The confidential information the company seeks to have protected is entitled to confidential treatment pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, as is more fully set forth in the justification for confidential treatment attached hereto as Exhibit "A".

5. Tampa Electric treats the highlighted information contained in its September 25, 2003 filing as confidential and has not disclosed that information publicly.

WHEREFORE, Tampa Electric Company respectfully requests that the highlighted information contained in the supplemental testimony of Tampa Electric witness Dibner (as amended above) and in the exhibit that accompanied Mr. Dibner's supplemental testimony filed with this Commission on a confidential basis on September 25, 2003 be treated as confidential

proprietary business information exempt from the Public Records Law pursuant to Section 366.093, Florida Statutes.

DATED this 16th day of October 2003.

Respectfully submitted,



LEE L. WILLIS

JAMES D. BEASLEY

Ausley & McMullen

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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, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 16th day of October 2003 to the following:

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ATTORNEY

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JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC WITNESS DIBNER'S SUPPLEMENTAL DIRECT TESTIMONY AND MR. DIBNER'S EXHIBIT ACCOMPANYING HIS SUPPLEMENTAL DIRECT TESTIMONY

<u>Page</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
<u>Supplemental Testimony of Brent Dibner</u>			
10	10	All Yellow Highlighted Information	(1)
19	12	All Yellow Highlighted Information	(2)
23	2,3,9,12, 13,15,16	All Yellow Highlighted Information	(2)
 <u>Dibner Maritime Associates LLC Final Report</u>			
Pages 1 of 78 Through 78 of 78		All of the Information on the Listed Pages	(1)

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- (1) The information contained on the listed pages contains the proprietary work product of Tampa Electric's consultant, Dibner Maritime 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 the 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) The information contained on the listed pages contains information about the contract rates that will be paid for transportation services under Tampa Electric's contract with TECO Transport that takes effect January 1, 2004. This information is competitive contractual information, the disclosure of which would be harmful to the position of TECO Transport in negotiating future contracts with other clients. The disclosure of this information would therefore be harmful to TECO Transport's competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.