

# AUSLEY & MCMULLEN

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October 29, 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

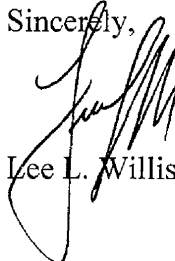
Dear Ms. Bayo:

Enclosed for filing in the above docket is the original and ten (10) copies of Tampa Electric Company's Notice of Intent to Seek Confidential Classification of certain information in response to Staff's 5th Request for Production of Documents (Request No. 18).

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,



Lee L. Willis

LLW/pp  
Enclosure

cc: All parties of record (w/enc.)

DOCUMENT NUMBER DATE  
10721 OCT 29 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 29, 2003  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S NOTICE OF INTENT  
TO SEEK CONFIDENTIAL CLASSIFICATION**

Tampa Electric Company ("Tampa Electric or "the company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(3)(a) and (6), Florida Administrative Code, hereby serves Notice of its intent to seek confidential classification treatment of certain information the company is supplying in response to Staff's 5th Request for Production of Documents (Request No. 18) and, says:

1. In its Document Request No. 18 Staff has asked Tampa Electric to produce each of the company's current coal contracts. This information contains confidential proprietary business information the disclosure of which would be very harmful to Tampa Electric Company.

2. Tampa Electric is submitting under separate cover letter on a confidential basis its response to Staff's Document Request No. 18 consisting of pages 2 of 395 through 395 of 395 of such response. The pages in question are copied on yellow paper and stamped "Confidential" in red to underscore the confidential nature of the information therein contained.

3. Tampa Electric requests that the Staff review and return the confidential version of its response to Staff Production of Document No. 18 prior to the expiration of the 21-day period commencing with the date hereof. In the absence of such return, Tampa Electric will

follow up this Notice with a detailed justification for confidential treatment of the company's response to Staff Request No. 18.

4. This Notice of Intent and Tampa Electric's subsequent written justification for confidential treatment are intend to serve as Tampa Electric's motion for temporary and permanent protective order, respectively, pursuant to Rule 25-22.006(6), Florida Administrative Code.

DATED this 29<sup>th</sup> day of October 2003.

Respectfully submitted,



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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 Notice of Intent has been furnished by U. S. Mail or hand delivery (\*) on this 29<sup>th</sup> day of October 2003 to the following:

Mr. Wm. Cochran Keating, IV\*  
Senior Attorney  
Division of Legal Services  
Florida Public Service Commission  
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Ms. Vicki Gordon Kaufman  
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Associate Public Counsel  
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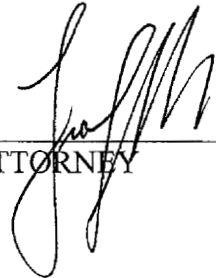
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Mr. Jeffrey A. Stone  
Mr. Russell A. Badders  
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ATTORNEY