

ORIGINAL

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

RECEIVED FPSC
OCT 30 PM 3:28
COMMISSION CLERK

DATE: October 30, 2003
TO: Cochran Keating
FROM: Roland Floyd *RF*
RE: Recommendation on Request for Confidential Classification - Document No. 03298-03

On April 22, 2003, Tampa Electric Company requested confidential classification of a single page answer to Staff's Second of Interrogatories (No. 10). Staff agrees with the request for confidential classification for the reasons stated in the justification provided by Tampa Electric Company.

Attachment

cc: Kay Flynn/Records and Hearing Services
Harold McLean/General Counsel

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH Masquente

DOCUMENT NUMBER - DATE

10767 OCT 30 8

FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

M-E-M-O-R-A-N-D-U-M

03 APR 23 AM 8:24
ECONOMIC REGULATION
PUBLIC SERVICE

DATE: April 22, 2003

TO: OFFICE OF THE GENERAL COUNSEL - C. Keating
DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX DIVISION OF ECONOMIC REGULATION - T. Bohrmann
DIVISION OF AUDITING AND SAFETY

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 03291-03

DESCRIPTION: TECO (Beasley) - (CONFIDENTIAL) Answers to staff's
2nd set of interrogatories, No. 10.

SOURCE: Tampa Electric Company

DOCKET NO(S): 030001-EJ

The above material was received with a request for confidential classification. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

Please read each of the following and check if applicable.

PAGE 2

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
- (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Robert F. [Signature]

Date: 10/30/03

cc: GCL EXT
 CMP CCA
 ECR AUS
 MMS

PSC/CCA 15 (Rev 11/02)

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

April 22, 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

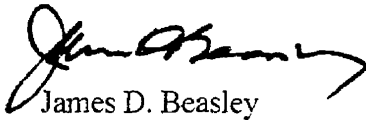
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa
Electric Company's Request for Confidential Classification regarding its answer to Staff's
Second Set of Interrogatories (No. 10).

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

03685 APR 22 03

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: April 22, 2003
_____)

**TAMPA ELECTRIC COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Tampa Electric Company ("Tampa Electric" or "the company") hereby requests confidential treatment of certain highlighted information contained on page 1 of 1 of the company's April 8, 2003 confidential filing in this proceeding and, as grounds therefor, says:

1. On April 8, 2003 Tampa Electric submitted a single page answer to Staff's Second of Interrogatories (No. 10) along with a Notice of Intent to Seek Confidential Classification of the highlighted portions of that filing. The confidential information Tampa Electric seeks to have protected was highlighted in yellow in the company's April 8, 2003 filing.

2. Attached hereto as Exhibit "A" are two public versions of the company's answer to Staff's Interrogatory No. 10 with the confidential information redacted.

4. The confidential information the company seeks to have protected is entitled to confidential treatment pursuant to Section 366.093(3)(d), Florida Statutes, as is more fully set forth in the justification for confidential treatment attached here as Exhibit "B".

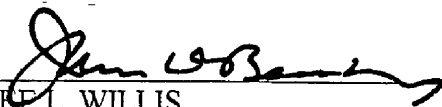
5. Tampa Electric treats the highlighted information contained in its April 8, 2003 filing as confidential and has not disclosed that information publicly.

WHEREFORE, Tampa Electric Company respectfully requests that the highlighted information contained in its answer to Staff's Interrogatory No. 10, filed with the Commission on

a confidential basis on April 8, 2003, be treated as confidential proprietary business information exempt from public records law pursuant to Section 366.093(3)(d), Florida Statutes.

DATED this 22nd day of April 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 Notice of Service, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 22nd day of April 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
Associate General Counsel
Progress Energy Florida, Inc.
Post Office Box 14042
St. Petersburg, FL 33733

Mr. Joseph A. McGlothlin
Ms. Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman & Arnold, P.A.
117 S. Gadsden Street
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

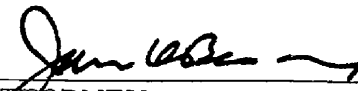
Mr. William Walker
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

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

Mr. John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, FL 33601-5126

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

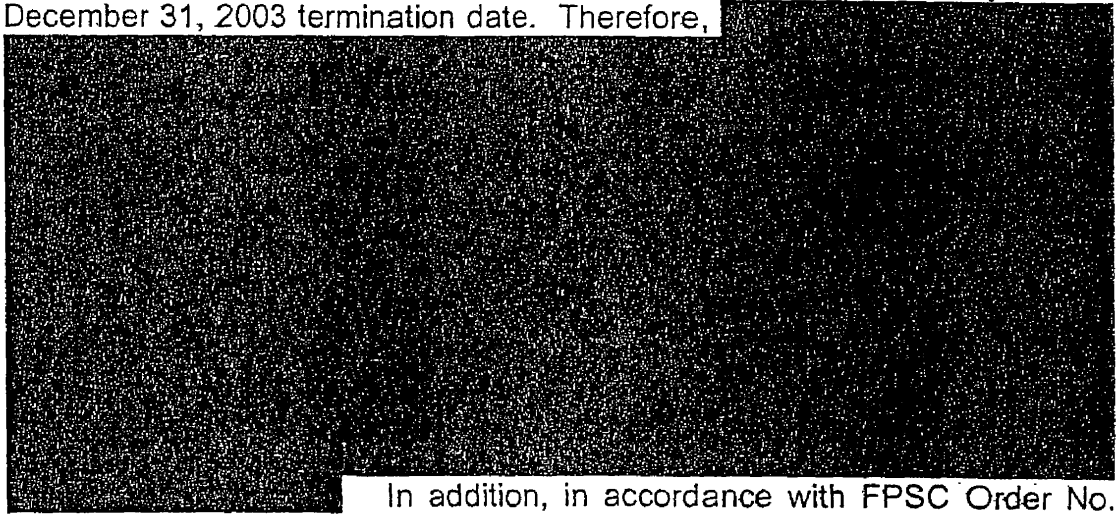


ATTORNEY

TAMPA ELECTRIC COMPANY
DOCKET NO. 030001-EI
STAFF'S 2ND SET OF INTERROGATORIES
INTERROGATORY NO. 10
PAGE 1 OF 1
FILED: APRIL 8, 2003

10. If Tampa Electric does not intend to issue an RFP this year for waterborne coal transportation service, please describe the specific measures that Tampa Electric intends to take, or has taken, to ensure that it will obtain a market price for waterborne coal transportation service under any new contract for such service.

A. As previously stated in the response to Interrogatory No. 8, Tampa Electric is currently evaluating its waterborne coal transportation needs and has not concluded if and when an RFP will be issued in 2003 to prospective providers of waterborne coal transportation service. Per the terms of the existing contract, if Tampa Electric has a continuing need for transportation services, TECO Transport has the option to extend the contract beyond the December 31, 2003 termination date. Therefore,



In addition, in accordance with FPSC Order No. 20298, issued on November 10, 1988, which established Tampa Electric's waterborne coal transportation benchmark, any negotiated waterborne coal transportation service agreement costs that are recovered must be at or below "market" as established by the company's waterborne transportation benchmark, unless the company requests recovery for and justifies any costs that exceed the benchmark.

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT
OF HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC COMPANY'S
ANSWER TO STAFF'S SECOND SET OF INTERROGATORIES (NO. 10.)**

Interrogatory No. 10, Page 1 of 1

The confidential information Tampa Electric seeks to have protected consists of negotiated terms of an existing transportation supply contract between Tampa Electric and TECO Transport. Public disclosure of the information would harm Tampa Electric's interests and those of TECO Transport in future contract negotiations with other transportation providers (in the case of Tampa Electric) and other transportation customers (in the case of TECO Transport). Negotiated contract terms between Tampa Electric and TECO Transport constitute "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." As such, the information in question is entitled to confidential treatment under Section 366.093, (3)(d) Florida Statutes. The Commission traditionally has recognized the need to protect this type of contractual information confidentially.

h:\ydb\tec\030001 justification staff interrog 10.doc