

State of Florida



ORIGINAL

Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

COMMISSION
CLERK

US OCT 30 PM 3:39

RECEIVED FPSC

DATE: October 30, 2003
TO: Cochran Keating
FROM: Roland Floyd *RF*
RE: Recommendation on Request for Confidential Classification – Document No. 06445-03

On July 18, 2003, Tampa Electric Company filed a Motion For A Temporary Protective Order relating to certain information included in its answers to the Office of Public Counsel's Second Set of Interrogatories (Nos. 24-45) and the Office of Public Counsel's Second Request for Production of Documents (Nos. 10-29). Staff agrees with the motion for the reasons stated in the letter from Tampa Electric Company.

Attachment

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

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- EGR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH *Margente*

DOCUMENT NUMBER-DATE

10768 OCT 30 03

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

DATE: July 18, 2003

TO: OFFICE OF THE GENERAL COUNSEL
DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX DIVISION OF ECONOMIC REGULATION
DIVISION OF AUDITING AND SAFETY

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 06445-03

DESCRIPTION: TECO/Beasley - (CONFIDENTIAL) Responses to OPC's 2nd request for PODs (Nos. 10-29).

SOURCE: Tampa Electric Company

DOCKET NO(S): 030001-EI

The above material was received with a motion for a temporary protective order. 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: Richard Floyd

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

July 18, 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

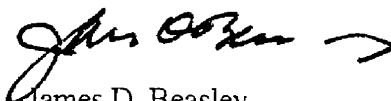
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa
Electric Company's Motion for a Temporary Protective Order.

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 RECEIVED

06443 JUL 18 2003

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: July 18, 2003
_____)

**TAMPA ELECTRIC COMPANY'S MOTION
FOR A TEMPORARY PROTECTIVE ORDER**

Tampa Electric Company ("Tampa Electric" or "company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6)(c), Florida Administrative Code, hereby moves the Commission for a temporary protective order exempting certain information from Section 366.097(1), Florida Statutes. As grounds therefor, the company states:

1. Tampa Electric is this date providing the Office of Public Counsel Tampa Electric Company's answers to OPC's Second Set of Interrogatories (Nos. 24-45) along with documents produced in response to OPC's Second Request for Production of Documents (Nos. 10-29). Included in those answers and produced documents is certain information the public disclosure of which would be harmful to the interests of Tampa Electric and its customers. The confidential information in question is highlighted in yellow in the confidential version of the interrogatory answers and in the documents being produced to OPC.

2. As provided in the above-referenced rule, a temporary protective order is the appropriate vehicle for protecting the confidential nature of the information in question while OPC is reviewing that information and determining whether it will be used in a proceeding before the Commission.

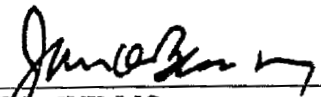
3. In the event OPC identifies any of the information in question as information it intends to use in a proceeding before the Commission, Tampa Electric will file a specific request

for a protective order as contemplated in Rule 25-22.006. Tampa Electric is filing with the Commission a single copy of the confidential version of its answers to OPC's Second Set of Interrogatories and its confidential responses to OPC's Second Request for Production of Documents together with a request that such information be treated as confidential while it remains on file with the Commission. The company is also serving the Florida Industrial Power Users Group with a redacted version of its interrogatory answers together with an offer to provide FIPUG the confidential version of such interrogatory answers upon the execution of an appropriate non-disclosure agreement by counsel for FIPUG and Tampa Electric.

WHEREFORE, Tampa Electric moves the Commission for entry of a temporary protective order for the reasons set forth herein.

DATED this 18th day of July 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 copy of the foregoing Motion for a Temporary Protective Order, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 16th day of July 2003 to the following:

Mr. Wm. Cochran Keating, IV*
Senior Attorney
Division of Legal Services
Florida Public Service Commission
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Tallahassee, FL 32399-0863

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St. Petersburg, FL 33733

Mr. Joseph A. McGlothlin*
Ms. Vicki Gordon Kaufman
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Mr. John T. Butler
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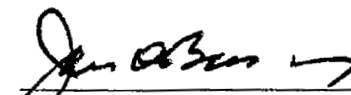
Mr. William Walker
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ATTORNEY