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State of Florida



Public Service Commission

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

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NOV -3 AM 11:07

COMMISSION CLERK

DATE: October 31, 2003
TO: Cochran Keating
FROM: Roland Floyd
RE: Recommendation on Request for Confidential Classification - Document No. 09543-03

On October 29, 2003, Tampa Electric Company requested confidential classification of certain information contained in the exhibit of Office of Public Counsel's witness Michael J. Majoros, Jr. Staff agrees with the request for the reasons stated in the justification provided in Exhibit A of the request.

Attachment

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

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

DOCUMENT NUMBER-DATE

10891 NOV-30

FPSC-COMMISSION CLERK

STATE OF FLORIDA

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

Public Service Commission

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

DATE: October 30, 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): 09543-03

DESCRIPTION: OPC/Vandiver - (Confidential) Direct testimony and Exh. Nos. MJM-1 through MJM-9 of Michael J. Majoros, Jr.

SOURCE: Tampa Electric Company

DOCKET NO(S): 030001-EI

RECEIVED
FLORIDA PUBLIC SERVICE
COMMISSION
03 OCT 30 PM 3:27
DIVISION OF
ECONOMIC REGULATION

The above material was received with a later filing of a supplemental 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: Richard F. [Signature]

Date: 10/31/03

cc: GCL EXT
 CMP CCA
 ECR AUS
 MMS

PSC/CCA 15 (Rev 11/02)

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Internet E-mail: contact@psc.state.fl.us

AUSLEY & McMULLEN

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

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, Florida 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance
Incentive Factor; FPSC Docket No. 030001-EI

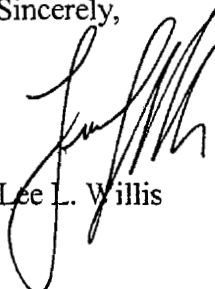
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa Electric Company's Supplemental Request for Confidential Classification of certain information contained in the exhibit of Office of Public Counsel's witness Michael J. Majoros, Jr.

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.)

2003 OCT 30 10 18 AM
10718 00130
FPSC

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 SUPPLEMENTAL
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 supplements its October 23, 2003 request for confidential classification of certain highlighted information contained in the exhibit of Office of Public Counsel ("OPC's") witness Michael J. Majoros, Jr. (the "Confidential Information"). A single highlighted confidential version of that exhibit was filed under a Notice of Intent to Seek Confidential Classification by counsel for OPC on October 2, 2003. Attached hereto as Exhibit "A" is a justification for designating the Confidential Information proprietary confidential business information under the above-referenced statute and rule.

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s.119.07(1) [requiring disclosure under the Public Records Act]." The proprietary confidential business information includes, but is not limited to:

(d) 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. (Section 366.093(3)(d), Florida Statutes)

2. Proprietary confidential business information also includes:

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the

provider of the information. (Section 366.093(3)(e), Florida Statutes)

3. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

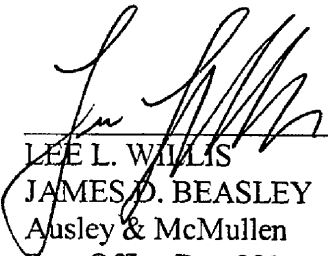
4. The material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

5. The request for confidential classification is intended to serve as Tampa Electric's motion for a protective order pursuant to Rule 25-22.006(6), Florida Administrative Code.

WHEREFORE, Tampa Electric respectfully requests that certain of the highlighted information contained in the direct exhibit of OPC's witness Michael Majoros be accorded confidential classification for the reasons set forth above and in Exhibit "A" to this request.

DATED this 29th day of October 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 Supplemental Request for Confidential Classification has been furnished by U. S. Mail or hand delivery (*) on this 29th day of October 2003 to the following:

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Mr. John T. LaVia, III
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Tallahassee, FL 32302



ATTORNEY

**SUPPLEMENTAL JUSTIFICATION FOR CONFIDENTIAL TREATMENT
OF CERTAIN INFORMATION CONTAINED IN THE PREPARED DIRECT
TESTIMONY AND EXHIBIT OF OPC'S WITNESS MICHAEL MAJOROS**

Testimony and Exhibit of OPC Witness Michael Majoros

<u>Testimony/Exhibit Page No.</u>	<u>Description</u>	<u>Rationale</u>
Testimony exhibit, MJM-4, Pages 1 and 2 of 2	Bates stamped page 1184-1185	(1)

- (1) This information is a Tampa Electric strategic planning document. The information is confidential because it reveals details of the very recent daily operation of Tampa Electric's business and its strategic planning. Disclosure of this information could impact agreements or contract negotiations that Tampa Electric attempts to enter into in the future. An example of how this could negatively impact the company is that of contractors viewing the budgeted amounts for a particular project or station and, because they are now aware of the funds Tampa Electric allocated for that particular project, bidding higher than they would have without that knowledge. This would increase Tampa Electric's overall cost. As such, the information is entitled to confidential treatment under Section 366.093(3)(d) and (e), Florida Statutes.