

ORIGINAL

State of Florida



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

COMMISSION
CLERK

03 NOV - 5 AM 11:27

RECEIVED-FPSC

DATE: November 5, 2003
TO: Cochran Keating
FROM: Roland Floyd *RF*
RE: Recommendation on Request for Confidential Classification – Document No. 10778-03

On October 30, 2003, Tampa Electric Company requested confidential classification of certain information contained in the Rebuttal Testimony and Exhibit (JTW-3) of Tampa Electric's witness Joann T. Wehle. 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 _____
- JPC _____
- JMS _____
- SEC T
- OTH *Marguerite*

DOCUMENT NUMBER-DATE

11015 NOV-5 8

FPSC-COMMISSION CLERK

STATE OF FLORIDA

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J. TERRY DEASON
BRAULIO L. BAEZ
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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: October 31, 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): 10778-03

DESCRIPTION: TECO/Beasley - (Confidential) Certain highlighted
Information contained in rebuttal testimony of Joann T.
Wehle and highlighted portions of Exhibit JTW-3.

SOURCE: Tampa Electric Company

DOCKET NO(S): 030001-EI

RECEIVED
FLORIDA PUBLIC SERVICE
COMMISSION
03 NOV -3 AM 10:37
DIVISION OF
ECONOMIC REGULATION

The above material was received with a later filing of 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 E. Floyd

Date: 11/05/03

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

October 30, 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

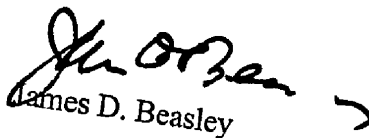
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa
Electric Company's Request for Confidential Classification of certain information contained in
the Rebuttal Testimony and Exhibit (JTW-3) of Joann T. Wehle.

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.)

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 30, 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 Rebuttal Testimony of Joann T. Wehle filed in this proceeding on October 30, 2003 and highlighted portions of the Exhibit (JTW-3) which accompanied that testimony (the "Confidential Information"). A single copy of the above testimony and exhibit is being filed under a separate transmittal letter marked "CONFIDENTIAL" with the confidential information highlighted in yellow. 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 highlighted portions of the Confidential Information contained in the Rebuttal Testimony of Joann T. Wehle and the accompanying Exhibit (JTW-3) be accorded confidential classification for the reasons set forth above.

DATED this 30th 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 Request for Confidential Classification has been furnished by U. S. Mail or hand delivery (*) on this 30th 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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Tallahassee, FL 32399-0863

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Pensacola, FL 32520

Mr. Jeffrey A. Stone
Mr. Russell A. Badders
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32591-2950

Mr. James J. Presswood, Jr.
Southern Alliance for Clean Energy
427 Moreland Ave., NE; Suite 100
Atlanta, GA 30307

Mr. Michael B. Twomey
Post Office Box 5256
Tallahassee, FL 32314-5256

Mr. Robert Scheffel Wright
Mr. John T. LaVia, III
Landers & Parsons, P.A.
Post Office Box 271
Tallahassee, FL 32302



ATTORNEY

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**JUSTIFICATION FOR CONFIDENTIAL TREATMENT
OF CONFIDENTIAL INFORMATION CONTAINED IN THE
PREPARED REBUTTAL TESTIMONY OF JOANN T. WEHLE
CONFIDENTIAL INFORMATION CONTAINED IN THE
PREPARED REBUTTAL TESTIMONY OF JOANN T. WEHLE
(FILED OCTOBER 30, 2003 AND ACCOMPANYING EXHIBIT (JTW-3))**

<u>Testimony Page No.</u>	<u>Description</u>	<u>Rationale</u>
Page 20, line 10	The Highlighted Information	(1)
Page 24, lines 15,17,18&21	The Amounts Shown	(2)
Page 25, line 3	The Number Shown	(2)
Page 27, line 18 and 22	The Numbers Shown	(1)
Page 27, line 25	The Numbers Shown	(2)

Exhibit (JTW-3)

Bates Stamp Page No.

34	Column A, Note 4	(3)
34	Columns B-J	(2)
34	Notes 1-3	(2)
37	Column A, Notes 4 & 5	(3)
37	Columns B-J	(2)
37	Columns K-N	(3)
37	Notes 1-3	(2)
38	Notes 4 and 5	(3)

-
- (1) The figure reflected shows the comparison of a new TECO Transport contract rate to the existing contract rate. This information should be treated confidentially in order to protect the competitive interests of TECO Transport. This contract information could harm TECO Transport's competitive position in the waterborne transportation industry.

Affording TECO Transport's competitors information concerning the extent to which rates are moving in a particular direction would enhance the ability of those competitors to compete with TECO Transport for services provided to other shippers. As a result, the information in question is entitled to confidential protection under Section 366.093(3)(d) and (e), Florida Statutes.

- (2) The information on these pages shows the rates of Tampa Electric's transportation contract with TECO Transport. It also reveals rail bidders identity and information included in their confidential proposals. Public disclosure of this information would harm the competitive interests of TECO Transport and would also compromise Tampa Electric's competitive position in future efforts to negotiate waterborne transportation services. Disclosing bidders identities and the information included in their confidential proposals would discourage those bidders from participation in future RFPs as they do not desire for their competitors to have access to the terms and conditions under which they will bid on transportation services. As such public disclosure of the information contained on these pages would adversely affect the competitive interests of TECO Transport and the ability of Tampa Electric to contract for goods and services on favorable terms. In addition, this information includes Tampa Electric's bid evaluation assumption that reveal planned operations and existing contractual data (trucking rate). This adds to the need for confidential protection from both a competitive and contractual standpoint. Consequently, the information in question is entitled to confidential protection under Section 366.093(d) and (e), Florida Statutes.
- (3) This page reveals expected locations from which Tampa Electric would take coal deliveries on the river system. Disclosure of this information would adversely affect Tampa Electric's position in future coal supply negotiations as well as TECO Transport's competitive position for negotiating contracts for transportation for other clients. As such, this information in question is entitled to confidential treatment under Section 366.093(3)(d) and (e), Florida Statutes.