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January 26, 2004

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: Review of Tampa Electric Company's waterborne transportation contract with
TECO Transport and associated benchmark; FPSC Docket No. 031033-EI

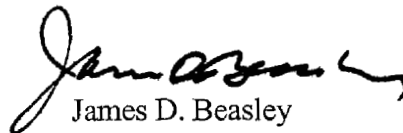
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification regarding certain information contained in the Prepared Direct Testimony and Exhibits of Tampa Electric witnesses Brent Dibner and 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
Enclosures

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER - DATE

01125 JAN 26 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's)
Waterborne transportation contract with) DOCKET NO. 031033-EI
TECO Transport and associated benchmark.) FILED: January 26, 2004
_____)

**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 Prepared Direct Testimonies of Tampa Electric witnesses Brent Dibner and Joann T. Wehle and accompanying Exhibits (BD-1) and (JTW-1) filed January 5, 2004 that were a part of that filing. As grounds therefor, the company says:

1. On January 5, 2004 Tampa Electric filed the Prepared Direct Testimony and Exhibits of Brent Dibner and Joann Wehle along with a Notice of Intent to Seek Confidential Classification and Motion for a Temporary Protective Order of highlighted portions of those testimonies and exhibits. Tampa Electric accompanied that filing with a submission under a separate cover letter of a single highlighted version of each of the two testimonies and exhibits. In addition, the company filed redacted versions of the testimonies and exhibits.

2. The information contained in the yellow highlighted pages or portions thereof in the testimony and exhibits of Mr. Dibner and Ms. Wehle is in need of confidential protection. The Confidential Information the company seeks to have protected is entitled to confidential treatment pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida

Administrative Code, as is more fully set forth in the Justification for Confidential Treatment attached hereto as Exhibit "A".

3. Tampa Electric treats the highlighted information contained in the January 5, 2004 testimonies and exhibits of witnesses Dibner and Wehle as confidential and has not disclosed that information publicly.

WHEREFORE, Tampa Electric Company respectfully requests that the highlighted information contained in the testimonies and exhibits of Tampa Electric witnesses Wehle and Dibner filed on a confidential basis with this Commission on January 5, 2004 be treated as confidential proprietary business information exempt from the Public Records Law pursuant to Section 366.093, Florida Statutes.

DATED this 26th day of January 2004.

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 Request for Confidential Classification, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 26th day of January 2004 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

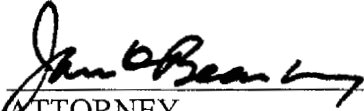
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ATTORNEY

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**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC WITNESS DIBNER'S
PREPARED TESTIMONY (FILED JANUARY 5, 2004) AND
ACCOMPANYING EXHIBIT (BD-1)**

<u>Page</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
<u>Testimony of Brent Dibner</u>			
34	2	All Yellow Highlighted Information	(1)
43	5	All Yellow Highlighted Information	(2)
46	19, 20	All Yellow Highlighted Information	(2)
47	1, 4, 5, 7, 8	All Yellow Highlighted Information	(2)
<u>Exhibit (BD-1)</u>			
<u>Dibner Maritime Associates LLC Final Report</u>			
Bates Stamp Page No. 53-130		All of the Information on the Listed Pages	(1)
<u>Revised Pages of Dibner Maritime Associates LLC Final Report</u>			
Bates Stamp Page No. 132-138		All of the Information on the Listed Pages	(1)

-
- (1) The information contained on the listed pages contains the proprietary work product of Tampa Electric's consultant, Dibner Maritime Associates LLC or "DMA". The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to gather and update the information and develop methods of analysis. This information is in the nature of a trade secret owned by DMA. It is also in the nature of information relating to competitive interests, the disclosure of which would impair DMA's competitive business interests by diminishing the demand for DMA's proprietary work product. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), Florida Statutes.
 - (2) The information contained on the listed pages contains information about the contract rates that will be paid for transportation services under Tampa Electric's contract with TECO Transport that took effect January 1, 2004. This information is competitive contractual information, the disclosure of which would be harmful to the position of TECO Transport in negotiating future contracts with other clients. The disclosure of this

information would therefore be harmful to TECO Transport's competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT
OF CONFIDENTIAL INFORMATION CONTAINED IN THE
PREPARED TESTIMONY OF JOANN T. WEHLE
(FILED JANUARY 5, 2004) AND ACCOMPANYING EXHIBIT (JTW-1)**

<u>Testimony Page No.</u>	<u>Description</u>	<u>Rationale</u>
Page 36, line 16	All Yellow Highlighted Information	(1)
Page 37, line 3	All Yellow Highlighted Information	(2)

Exhibit (JTW-1)

Bates Stamp Page No.

72	Columns B-J, All Yellow Highlighted Information	(2)
72	Columns K-N, All Yellow Highlighted Information	(3)
72	Notes 1-3, All Yellow Highlighted Information	(2)
73	Notes 4 and 5, All Yellow Highlighted Information	(3)

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- (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 and the comparison of the TECO Transport contract rate to rates taken from the rail bidder's proposal. 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.