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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

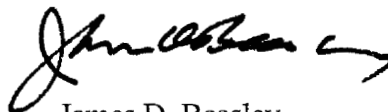
Dear Ms. Bayo:

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 portions of its answers to the Florida Industrial Power Users Group's First Set of Interrogatories (Nos. 1-34).

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

01126 JAN 26 04

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 portions of its answers to the Florida Industrial Power Users Group's ("FIPUG") First Set of Interrogatories (Nos. 1-34). The confidential information in question is Bates stamp page numbers 5-10 of the company's answer to Interrogatory No. 4, Bates stamp page number 11 of the company's answer to Interrogatory No. 5, Bates stamp page number 12 of the company's answer to Interrogatory No. 6, Bates stamp page number 13 of the company's answer to Interrogatory No. 7, Bates stamp page number 22 of the company's answer to Interrogatory No. 14, Bates stamp page 24 of the company's answer to Interrogatory No. 16, Bates stamp page 28 of the company's answer to Interrogatory No. 20, Bates stamp page 34 of the company's answer to Interrogatory No. 26 and Bates stamp page 35 of the company's answer to Interrogatory No. 27 (collectively referred to as the "Confidential Information"). A single copy of the Confidential Information was filed with a Notice of Intent to Seek Confidential Classification and Motion for Temporary Protective Order filed January 5, 2004 in the above proceeding. Attached hereto as Exhibit "A" is a justification for designating the Confidential Information proprietary confidential business information under the above-referenced statute and rule. In support of this request, the company states:

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 Company respectfully requests that the highlighted Confidential Information set forth in its answers to FIPUG’s First Set of Interrogatories (Nos. 1-34) be accorded confidential classifications for the reasons set forth above.

DATED this 26th day of January 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee L. Willis", is written over a horizontal line.

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


Ms. Vicki Gordon Kaufman
Mr. Timothy J. Perry
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Landers & Parsons, P.A.
Post Office Box 271
Tallahassee, FL 32302



ATTORNEY

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**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO FIPUG'S FIRST
SET OF INTERROGATORIES (FILED JANUARY 5, 2004)**

<u>Bates Stamp Page No.</u>	<u>Interrogatory No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
5-10	4	All of the Information on the Listed Pages	(1)
11	5	All Yellow Highlighted Information in The Column Titled "River Bid"	(2)
11	5	All Yellow Highlighted Information in The Column Titled "DMA Model"	(1), (3)
12	6	All Yellow Highlighted Information	(1)
13	7	All Yellow Highlighted Information	(1)
22	14	All Yellow Highlighted Information	(4), (5)
24	16	All Yellow Highlighted Information	(4), (5)
28	20	All Yellow Highlighted Information	(4), (5)
34	26	All Yellow Highlighted Information	(3)
35	27	All Yellow Highlighted Information	(3)

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- (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 bid information provided in response to Tampa Electric's RFP. 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. This information, in conjunction with publicly disclosed information, would allow a competitor to back into the contract rates established for Tampa Electric's contract with TECO Transport. As such public disclosure of the information contained on these pages would adversely affect the competitive interests of TECO Transport and the bidders and the ability of Tampa Electric to contract for goods and services on favorable terms. The disclosure of this information would therefore be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.

- (3) The information contained on the listed pages contains information about the contract terms and 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.
- (4) The information contained on the listed pages contains bid information provided in response to Tampa Electric's RFP. 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 the bidders and the ability of Tampa Electric to contract for goods and services on favorable terms. The disclosure of this information would therefore be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.
- (5) The information contained on the listed pages contains the proprietary work product of Tampa Electric's consultant, Sargent and Lundy or "S&L". 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 S&L. It is also in the nature of information relating to competitive interests, the disclosure of which would impair S&L's competitive business interests by diminishing the demand for S&L'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.