

ORIGINAL

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March 17, 2004

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COMMISSION CLERK

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. 040001-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 relating to the company's revised
answers to Staff's Third Request for Production of Documents (Nos. 13 and 14) in Docket No.
030001-EI.

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,

[Handwritten signature of James D. Beasley]

James D. Beasley

JDB/pp
Enclosures

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

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 040001-EI
Factor.) FILED: March 17, 2004
_____)

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 the Commission grant specified confidential classification of the company’s revised answers to No. 13 of the Third Request for Production of Documents (Nos. 13 and 14) of the Florida Public Service Commission in Docket No. 030001-EI, and as grounds therefor, says:

1. On October 10, 2003 Tampa Electric filed with your office the original and ten copies of Tampa Electric Company’s Request for Confidential Classification of portions of its response to Staff’s Third Request for Production of Documents (Nos. 13 and 14). Inadvertently excluded from that request were portions of Bates stamp pages numbers 2-4 and 13-16 of Tampa Electric’s response to Production Request No. 13. Tampa Electric provided the pages in question to the Staff but inadvertently failed to mark them “Confidential.”

2. The above-referenced Bates stamp pages are in need of confidential protection to avoid economic injury to Tampa Electric and its customers. Protection of this information will also prevent economic harm to Tampa Electric’s consultant, Dibner Maritime Associates, LLC. Attached hereto as Exhibit “A” is a justification for confidential treatment of the highlighted portions of Tampa Electric’s revised responses to Staff’s Third Request for Production of Documents, in particular the Bates stamp pages referred to above.

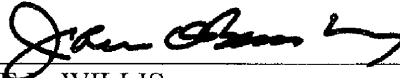
3. Tampa Electric this date is filing under a separate transmittal letter a single confidential version of the documents that are the subject of this request.

4. Tampa Electric treats the information in question as confidential. While the company has submitted the information to the Commission Staff and requested that the information be protected from public disclosure, the company has not disclosed the information in question to the public.

WHEREFORE, Tampa Electric Company requests specified confidential treatment of the highlighted portions of Bates stamp page numbers 2-4 and 13-16 of the company's revised response to Staff's Third Request for Production of Documents (Request No. 13).

DATED this 17th day of March 2004.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
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(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 17th day of March 2004 to the following:

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ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S REVISED RESPONSES TO STAFF'S THIRD
REQUEST FOR PRODUCTION OF DOCUMENTS (FILED FEBRUARY 25, 2004)**

<u>Bates Stamp Page No.</u>	<u>POD No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
2-4	13	All of the Information on the Listed Pages	(1)
13-16	13	All of the Information on the Listed Pages	(2), (3)

-
- (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. 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 were paid for transportation services under Tampa Electric's contracts with TECO Transport during the period 1998 through 2003 or 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. Information about previous contract rates, in conjunction with publicly disclosed information, would also allow a competitor to back into the contract rates established for Tampa Electric's contract with TECO Transport.

Disclosing this information would also harm Tampa Electric's position in determining rates for future transportation contracts since the providers bid responses might be influenced if they had knowledge of the previous or current contract rates. The disclosure of this information would therefore be harmful to TECO Transport's competitive interests and to the ability of Tampa Electric to contract for goods and services on favorable terms, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.