

ORIGINAL

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

April 14, 2004

HAND DELIVERED

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COMMISSION  
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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 of Portions of the Testimony and  
Exhibits of Intervenor Witnesses.

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.)

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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: April 14, 2004  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS  
OF THE TESTIMONY AND EXHIBITS OF INTERVENOR WITNESSES**

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 specified confidential classification of certain confidential information contained in the prepared testimony and exhibits of intervenor witnesses in this proceeding and, as grounds therefor, says:

1. On March 29 and 30, 2004 various intervenors in this proceeding caused to be submitted in this docket on a confidential basis the prepared testimonies and exhibits of their respective witnesses. They include the testimony and exhibits of Dr. Anatoly Hochstein, submitted by Michael B. Twomey on behalf of various Residential Electric Customers; the testimony and exhibits of Mr. Michael J. Majoros, Jr. and Mr. H. G. (Pat) Wells, submitted on behalf of the Office of Public Counsel ("OPC") and the Florida Industrial Power Users Group ("FIPUG"); and the confidential direct testimony and exhibits of Dr. Robert L. Sansom, Mr. John B. Stamberg and Mr. Robert F. White on behalf of CSX Transportation ("CSXT").

2. The various intervenors in cooperation with Tampa Electric highlighted the proprietary confidential business information contained in their witnesses' confidential testimonies and exhibits (the "Confidential Information") in yellow marker or have printed it on yellow paper stock and submitted a single confidential version of these testimonies and exhibits

to the Commission. The intervenors filed and served redacted versions of their respective witnesses testimonies and exhibits at the time the single confidential highlighted version was filed with the Commission.

3. On March 30, 2004 Tampa Electric filed a Motion for Temporary Protective Order regarding the Confidential Information contained in intervenors' direct testimony and exhibits. In that pleading Tampa Electric asked that the Confidential Information be protected against public disclosure in order to facilitate this proceeding moving forward and at the same time protecting the confidential interests of Tampa Electric, its transportation affiliate, TECO Transport Corporation and other bidders in the RFP process who submitted bid information on a confidential basis. CSXT filed a similar request concerning certain information for which it claims the needs for confidential protection.

4. As noted in Tampa Electric's March 30 Motion for Temporary Protective Order, all of the Confidential Information in question is protected by virtue of non-disclosure agreements entered into by and between Tampa Electric on the one hand and Mr. Wright (counsel for CSXT), FIPUG and Mr. Twomey. In addition, Tampa Electric previously moved the Commission for entry of a temporary protective order with respect to Confidential Information supplied at the request of Office of Public Counsel.

5. Attached hereto as Exhibit "A" is Tampa Electric's Justification for Confidential Treatment of Highlighted Portions of Intervenor Testimony and Exhibits. Exhibit "A" identified by page, line number and detailed description the Confidential Information that needs to be protected along with a statement of the rationale(s) for the needed confidential protection.

6. Tampa Electric treats the Confidential Information as confidential proprietary business information and has not disclosed it publicly.

WHEREFORE, Tampa Electric Company respectfully requests that the Commission enter its order designating as specified confidential information the Confidential Information identified and discussed in Exhibit "A" to this request.

DATED this 14<sup>th</sup> day of April 2004.

Respectfully submitted,



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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, filed on behalf of Tampa Electric Company, has been furnished by hand delivery or U. S. Mail on this 14<sup>th</sup> day of April 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  
McWhirter, Reeves, McGlothlin,  
Davidson, Kaufman & Arnold, P.A.  
117 S. Gadsden Street  
Tallahassee, FL 32301

Mr. Robert Vandiver  
Associate Public Counsel  
Office of Public Counsel  
111 West Madison Street – Suite 812  
Tallahassee, FL 32399-1400

Mr. John W. McWhirter, Jr.  
McWhirter, Reeves, McGlothlin,  
Davidson, Kaufman & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-5126

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.  
310 West College Avenue  
Tallahassee, FL 32301

  
\_\_\_\_\_  
ATTORNEY

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**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED  
PORTIONS OF INTERVENOR TESTIMONY AND EXHIBITS**

**Robert L. Sansom, Ph.D. – March 29, 2004**

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
8	9	The Yellow Highlighted Information	(6), (8)
8	10	The Yellow Highlighted Information	(6), (8)
8	11	The Yellow Highlighted Information	(6)
8	12	The Yellow Highlighted Information	(6), (8)
8	14	The Yellow Highlighted Information	(6), (8)
8	15	The Yellow Highlighted Information	(6), (8)
8	18	The Yellow Highlighted Information	(6), (8)
8	22	All Yellow Highlighted Information	(6), (8)
9	6	All Yellow Highlighted Information	(6), (8)
11	7	All Yellow Highlighted Information	(7)
11	9	The Yellow Highlighted Information	(7)
11	13	All Yellow Highlighted Information	(7)
14	Table 1	All Yellow Highlighted Numbers	(6), (8)
15	1	The Yellow Highlighted Information	(6), (8)
15	Table 2	All Yellow Highlighted Numbers	(6), (8)
15	16	The Yellow Highlighted Information	(6), (8)
19	13	The Yellow Highlighted Information	(6), (8)
19	14	The Yellow Highlighted Information	(6), (8)
19	16	The Yellow Highlighted Information	(6), (8)

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
21	17	All Yellow Highlighted Information	(1), (7)
21	18	The Yellow Highlighted Information	(1), (7)
22	2	All Yellow Highlighted Information	(1)
22	3	The Yellow Highlighted Information	(1)
22	6	The Yellow Highlighted Information	(1)
22	9	The First Yellow Highlighted Information	(1)
22	9	The Second Yellow Highlighted Information	(1), (7)
22	10	The First Yellow Highlighted Information	(1), (7)
22	10	The Second Yellow Highlighted Information	(1)
22	11	The Yellow Highlighted Information	(1)
22	13	All Yellow Highlighted Information	(1), (7)
23	16	The Yellow Highlighted Information	(1), (6), (8)
23	19	The Yellow Highlighted Information	(1), (6), (8)
23	23	All Yellow Highlighted Information	(1), (6), (8)
24	1	The Yellow Highlighted Information	(1), (6), (8)
24	2	The Yellow Highlighted Information	(1), (6), (8)
24	6	All Yellow Highlighted Information	(1), (6), (8)
26	15	The Yellow Highlighted Information	(6)
27	9	The Yellow Highlighted Information	(9)
27	10	All Yellow Highlighted Information	(9)
27	11	The Yellow Highlighted Information	(9)
27	12	The Yellow Highlighted Information	(7), (9)

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
27	13	The Yellow Highlighted Information	(7), (9)
27	14	The Yellow Highlighted Information	(7), (9)
28	10	The Yellow Highlighted Information	(7)
28	11	The Yellow Highlighted Information	(7)
28	14	All Yellow Highlighted Information	(6), (7)
29	2	The Yellow Highlighted Information	(9)
29	Table 3	All Yellow Highlighted Information	(7), (9)
29	11	The Yellow Highlighted Information	(6), (7)
29	14	The Yellow Highlighted Information	(7), (9)
30	2	The Yellow Highlighted Information	(6), (8), (9)
30	18	The Yellow Highlighted Information	(9)
30	19	The Yellow Highlighted Information	(9)
31	1	The Yellow Highlighted Information	(9)
31	2	The Yellow Highlighted Information	(9)
31	3	The Yellow Highlighted Information	(9)
31	5	The Yellow Highlighted Information	(9)
31	6	The Yellow Highlighted Information	(9)
31	7	The Yellow Highlighted Information	(9)
31	12	The Yellow Highlighted Information	(9)
31	19	The First Yellow Highlighted Information	(2)
31	19	The Second Yellow Highlighted Information	(1)
32	Table 4	The Yellow Highlighted Information in the Title	(2)



<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
32	Table 4	The Yellow Highlighted Information in Title in Column 2	(2)
32	Table 4	All Yellow Highlighted Information in Column 2	(1), (3)
32	Table 5	The Yellow Highlighted Information in Title	(2)
32	Table 5	The Yellow Highlighted Information in Title in Column 2	(2)
32	Table 5	All Yellow Highlighted Information in Column 2	(1), (3)
32	12	The Yellow Highlighted Information	(1), (6), (8)
33	4	The Yellow Highlighted Information	(2)
33	5	The Yellow Highlighted Information	(2)
33	10	The Yellow Highlighted Information	(2)
33	12	All Yellow Highlighted Information	(2)
35	7	The Yellow Highlighted Information	(7)
36	18	The Yellow Highlighted Information	(9)
36	19	All Yellow Highlighted Information	(7)
36	20	The Yellow Highlighted Information	(7)
36	21	The Yellow Highlighted Information	(7)
36	22	The Yellow Highlighted Information	(7)
37	7	The Yellow Highlighted Information	(6), (8), (9)
37	8	The Yellow Highlighted Information	(1)
37	9	The Yellow Highlighted Information	(10)
37	10	The Yellow Highlighted Information	(10)

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
37	14	The Yellow Highlighted Information	(6), (8), (9)
37	15	The Yellow Highlighted Information	(1)
37	16	The Yellow Highlighted Information	(1), (6), (10)
37	17	The Yellow Highlighted Information	(1), (6), (10)
37	21	The First Yellow Highlighted Number	(1)
37	21	The Second and Third Yellow Highlighted Numbers	(1), (7)
37	23	The Yellow Highlighted Information	(1), (6), (10)
37	24	The Yellow Highlighted Information	(1), (6), (10)
40	20	The Yellow Highlighted Information	(7)
43	15	All Yellow Highlighted Information	(4)
43	16	The Yellow Highlighted Information	(4)
48	6	The Yellow Highlighted Information	(1), (6), (8)
48	7	The Yellow Highlighted Information	(1), (6), (8)
48	8	The Yellow Highlighted Information	(1), (6), (8)

**Exhibit of Robert L. Sansom**

<u>Page No.</u>	<u>Ex. No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
1 of 9 through 9 of 9	(RLS-3)	All Information on the Listed Pages	(1)
1 of 1	(RLS-4)	All Information on the Listed Page	(1)
1 of 1	(RLS-6a)	All Information on the Listed Page	(1), (6), (8), (9), (10)
1 of 1	(RLS-6b)	All Information on the Listed Page	(1), (6), (8), (9), (10)

<u>Page No.</u>	<u>Ex. No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
1 of 1	(RLS-6c)	All Information on the Listed Page	(1), (6), (8), (9), (10)
1 of 1	(RLS-9a)	All Information on the Listed Page	(1), (6), (8), (9), (10)
1 of 1	(RLS-9b)	All Information on the Listed Page	(1), (6), (8), (9), (10)
1 of 1	(RLS-9c)	All Information on the Listed Page	(1), (6), (8), (9), (10)

**Robert F. White – March 29, 2004**

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
9	5	All Yellow Highlighted Information	(1)
9	6	The Yellow Highlighted Information	(1)
9	7	The Yellow Highlighted Information	(1)
9	9	The Yellow Highlighted Information	(1), (7)
9	10	All Yellow Highlighted Information	(1), (7)
9	28	The Yellow Highlighted Information	(1)
11	Table 1	All Yellow Highlighted Information	(1)
12	Table 2	All Yellow Highlighted Information	(1)
13	Table 3	All Yellow Highlighted Information	(1)
13	Table 4	All Yellow Highlighted Information	(1)
17	2	The Yellow Highlighted Information	(1)
17	3	All Yellow Highlighted Information	(1)

**Exhibit of Robert F. White**

<b><u>Page No.</u></b>	<b><u>Ex. No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
1 of 9 through 9 of 9	(RFW-4)	All Information on the Listed Pages	(1)
1 of 1	(RFW-5)	All Information on the Listed Page	(1)
1 of 2 through 2 of 2	(RFW-6)	All Information on the Listed Pages	(1)
1 of 2 through 2 of 2	(RFW-7)	All Information on the Listed Pages	(1)
1 of 1	(RFW-8)	All Information on the Listed Page	(1)
1 of 59 through 59 of 59	(RFW-10)	All Information on the Listed Pages	(1)

**John B. Stamberg, P.E. – March 29, 2004**

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
12	9	The Yellow Highlighted Information	(1), (7)
12	12	The Yellow Highlighted Information	(1), (7)
13	6	The Yellow Highlighted Information	(1), (7)
13	7	The Yellow Highlighted Information	(1)
13	15	The Yellow Highlighted Information	(1)
13	20	The Yellow Highlighted Information	(1)
14	6	The Yellow Highlighted Information	(1)
14	8	The Yellow Highlighted Information	(1)
14	10	The Yellow Highlighted Information	(1)

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
14	19	The Yellow Highlighted Information	(1), (7)
14	20	The Yellow Highlighted Information	(1)
15	1	The Yellow Highlighted Information	(1)
15	5	The Yellow Highlighted Information	(1)
15	6	The Yellow Highlighted Information	(1)
15	9	The Yellow Highlighted Information	(1)
15	13	The Yellow Highlighted Information	(1)
15	15	The Yellow Highlighted Information	(1), (7)
15	16	The Yellow Highlighted Information	(1)
15	19	The Yellow Highlighted Information	(1)
15	22	The Yellow Highlighted Information	(1)
17	7	The Yellow Highlighted Information	(1)
17	15	The Yellow Highlighted Information	(1)
17	16	The Yellow Highlighted Information	(1)
17	17	The Yellow Highlighted Information	(1)
17	20	The Yellow Highlighted Information	(1)
17	22	All Yellow Highlighted Information	(1)
18	1	The Yellow Highlighted Information	(1)
18	2	The Yellow Highlighted Information	(1)
18	3	The Yellow Highlighted Information	(1)
18	14	The Yellow Highlighted Information	(1)
18	23	The Yellow Highlighted Information	(1)

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
18	24	The Yellow Highlighted Information	(1)
19	5	The Yellow Highlighted Information	(1)
19	7	The Yellow Highlighted Information	(1)
19	12	The Yellow Highlighted Information	(1)
19	13	The Yellow Highlighted Information	(1)
19	17	The Yellow Highlighted Information	(1)
19	22	The Yellow Highlighted Information	(1)
20	13	The Yellow Highlighted Information	(1)
21	Table	The Yellow Highlighted Information in Column 2	(1)
21	Table	The Yellow Highlighted Information in Columns 3 and 4	(10)
22	17	The Yellow Highlighted Information	(1)
25	3	The Yellow Highlighted Information	(1), (7)
25	12	The Yellow Highlighted Information	(1)
25	14	The Yellow Highlighted Information	(4)
25	15	The Yellow Highlighted Information	(4)
25	16	The Yellow Highlighted Information	(4)
25	17	The First Yellow Highlighted Number	(1), (10)
25	17	The Second Yellow Highlighted Number	(1), (7)
25	18	The Yellow Highlighted Information	(1), (7)
25	21	The Yellow Highlighted Information	(4)
25	23	The Yellow Highlighted Information	(4)

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
26	2	All Yellow Highlighted Information	(4)
26	3	All Yellow Highlighted Information	(4)
26	4	The Yellow Highlighted Information	(4)
29	21	The Yellow Highlighted Information	(4)
31	All	All Information on the Listed Page	(4)
32	4	The Yellow Highlighted Information	(4)
32	5	The Yellow Highlighted Information	(4)
32	11	The Yellow Highlighted Information	(4)
32	12	All Yellow Highlighted Information	(4)
32	13	All Yellow Highlighted Information	(4)
32	17	All Yellow Highlighted Information	(4)
32	18	All Yellow Highlighted Information	(4)
33	Table	All Information in the Table	(4)
33	7	The Yellow Highlighted Information	(1), (4)
33	8	The Yellow Highlighted Information	(1), (4)
34	22	The Yellow Highlighted Information	(4)
35	3	The Yellow Highlighted Information	(4)
35	20	All Yellow Highlighted Information	(4)
37	10	The Yellow Highlighted Information	(4), (7)
37	17	The Yellow Highlighted Information	(4)
38	21	All Yellow Highlighted Information	(4)
38	22	The Yellow Highlighted Information	(4)

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
39	15	The Yellow Highlighted Information	(4)
39	16	All Yellow Highlighted Information	(4)
40	11	All Yellow Highlighted Information	(4)
40	13	The Yellow Highlighted Information	(4)
40	14	The Yellow Highlighted Information	(1)
40	15	The Yellow Highlighted Information	(1), (4), (10)
40	17	The Yellow Highlighted Information	(4)
40	18	The Yellow Highlighted Information	(4)
40	19	The Yellow Highlighted Information	(4)
41	11	The Yellow Highlighted Information	(4)
41	12	All Yellow Highlighted Information	(4), (10)
41	19	The Yellow Highlighted Information	(1)
42	3	All Yellow Highlighted Information	(1)
42	4	The Yellow Highlighted Information	(1), (4)
42	Table	All Yellow Highlighted Information in Columns 4 and 5	(4)
42	11	The Yellow Highlighted Information	(1), (7)
45	14	The Yellow Highlighted Information	(1), (7)
45	15	The Yellow Highlighted Information	(1), (7)
45	18	The Yellow Highlighted Information	(1), (7)
45	19	The Yellow Highlighted Information	(1), (7)



**John B. Stamberg Exhibit**

<b><u>Page No.</u></b>	<b><u>Ex. No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
1 of 1	(JBS-8)	All Information on the Listed Page	(4)
1 of 44 through 44 of 44	(JBS-9)	All Information on the Listed Pages	(4)
1 of 107 through 107 of 107	(JBS-10)	All Information on the Listed Pages	(4)

**Michael J. Majoros, Jr. – March 29, 2004**

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
2	7	The Yellow Highlighted Information	(6), (9), (10)
2	9	The Yellow Highlighted Information	(6), (8), (10)
2	10	The Yellow Highlighted Information	(6), (8)
2	12	The Yellow Highlighted Information	(6), (9), (10)
8	21	The Yellow Highlighted Information	(1), (6), (8), (9), (10)
8	22	The Yellow Highlighted Information	(1), (6), (8), (9), (10)
13	22	The Yellow Highlighted Information	(1), (5)
15	23	All Yellow Highlighted Information	(5), (6), (8), (9)
15	25	The Yellow Highlighted Information	(1), (6), (8), (9)
21	18	The Yellow Highlighted Information	(5), (6)
26	12	All Yellow Highlighted Information	(5), (6), (8)
26	18	All Yellow Highlighted Information	(5), (6), (8)

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
26	Footnote 41	The Yellow Highlighted Information	(5), (6), (8)
27	6	The Yellow Highlighted Information	(5), (6), (8)
28	1	The Yellow Highlighted Information	(6), (9), (10)
28	2	The Yellow Highlighted Information	(6), (8), (10)
28	3	The Yellow Highlighted Information	(6), (8)
29	8	The Yellow Highlighted Information	(6), (8), (10)
29	9	The First Yellow Highlighted Number	(6), (8), (10)
29	9	The Second Yellow Highlighted Number	(1), (6), (8), (10)
29	10	The Yellow Highlighted Information	(5), (6), (8)
29	11	The Yellow Highlighted Information	(5), (6), (8)
29	15	The Yellow Highlighted Information	(1), (10)
29	Footnote 46	The Yellow Highlighted Information	(1)
29	Footnote 48	The Yellow Highlighted Information	(1)

**Michael J. Majoros Exhibit**

<u>Page No.</u>	<u>Ex. No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
1 of 4	(MJM-3)	All Yellow Highlighted Information	(5), (7), (8)
2 of 4	(MJM-3)	All Yellow Highlighted Information	(5), (7), (8)
3 of 4	(MJM-3)	All Yellow Highlighted Information	(5), (7), (8)
4 of 4	(MJM-3)	All Yellow Highlighted Information	(5), (6), (8)
1 of 8	(MJM-5)	All Yellow Highlighted Information in Column (1)	(6), (8)

<b><u>Page No.</u></b>	<b><u>Ex. No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
1 of 8	(MJM-5)	All Yellow Highlighted Information in Column (2)	(5), (6), (8)
1 of 8	(MJM-5)	The Yellow Highlighted Information in Column (3)	(1)
1 of 8	(MJM-5)	The Yellow Highlighted Information in Column (4)	(1)
1 of 8	(MJM-5)	The Yellow Highlighted Information in Column (5)	(1)
1 of 8	(MJM-5)	All Yellow Highlighted Information in Column (6)	(5), (6), (8)
1 of 8	(MJM-5)	All Yellow Highlighted Information in Column (8)	(5), (6), (8) (10)
2 of 8	(MJM-5)	All Information on the Listed Page	(5), (6), (8)
3 of 8	(MJM-5)	All Information in Columns 1-4	(1), (6), (8)
3 of 8	(MJM-5)	All Information in Column 5	(1), (2)
4 of 8	(MJM-5)	All Information on the Listed Page	(5), (6), (8)
5 of 8	(MJM-5)	All Information in Column 2	(1)
6 of 8	(MJM-5)	All Information in Column 1	(5), (6), (8)
6 of 8	(MJM-5)	All Information in Column 2	(1), (2), (3)
7 of 8	(MJM-5)	All Information in Column 1	(6), (8)
7 of 8	(MJM-5)	All Information in Column 2	(1), (2), (3)
7 of 8	(MJM-5)	All Information in Column 3	(2), (5), (6), (8), (10)
8 of 8	(MJM-5)	All Information on the Listed Page	(5), (6), (7), (8)

**H. G. (Pat) Wells – March 29, 2004**

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
6	22	All Yellow Highlighted Information	(2)
7	1-5	All Yellow Highlighted Information	(2)
7	17	The Yellow Highlighted Information	(2)
7	19	The Yellow Highlighted Information	(2)
8	9	The Yellow Highlighted Information	(2)
8	12	The Yellow Highlighted Information	(2)
8	18	The Yellow Highlighted Information	(2)
8	20	The Yellow Highlighted Information	(2)
9	8	The Yellow Highlighted Information	(1)
9	16	The Yellow Highlighted Information	(2)
9	20	The Yellow Highlighted Information	(2)
9	21	The Yellow Highlighted Information	(2)
9	22	The Yellow Highlighted Information	(2)
9	23	The Yellow Highlighted Information	(2)
10	3	The Yellow Highlighted Information	(2)
10	5	The Yellow Highlighted Information	(2)
10	6	The Yellow Highlighted Information	(2)

**H. G. (Pat) Wells Exhibit**

<b><u>Page No.</u></b>	<b><u>Ex. No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
1018	(HGW-4)	All Information on the Listed Page	(1)
1027	(HGW-5	All Information on the Listed Page	(1)

**Dr. Anatoly Hochstein – March 31, 2004**

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
10	20	All Yellow Highlighted Information	(2)
11	3	The Yellow Highlighted Information	(2)
11	5	The Yellow Highlighted Information	(2)
11	7	The Yellow Highlighted Information	(2)
18	23	The Yellow Highlighted Information	(2)
19	1	The Yellow Highlighted Information	(2)
19	2	The Yellow Highlighted Information	(2)
19	8	The Yellow Highlighted Information	(2)
27	8	The Yellow Highlighted Information	(2)
28	18	The Yellow Highlighted Information	(5)
28	19	The Yellow Highlighted Information	(5)
29	4	The Yellow Highlighted Information	(2)
29	7	The Yellow Highlighted Information	(2)
29	8	The Yellow Highlighted Information	(2)
29	10	The Yellow Highlighted Information	(2)
29	12	The Yellow Highlighted Information	(2)
29	13	The Yellow Highlighted Information	(2)
29	16	The Yellow Highlighted Information	(5), (6), (8)
29	17	All Yellow Highlighted Information	(5), (6), (8) (10)
32	11	The Yellow Highlighted Information	(2)

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
34	9	The Yellow Highlighted Information	(2)
36	3	The Yellow Highlighted Information	(2)
43	12	The Yellow Highlighted Information	(5)
43	13	The Yellow Highlighted Information	(5)
44	11	The Yellow Highlighted Information	(5)
46	20	The Yellow Highlighted Information	(5), (6), (8)
54	20	The Yellow Highlighted Information	(5), (7)
55	12	The Yellow Highlighted Information	(10)
55	13	The Yellow Highlighted Information	(6), (8)
55	14	The Yellow Highlighted Information	(6), (8)
55	16	The Yellow Highlighted Information	(6), (8)
57	15	The Yellow Highlighted Information	(6)
57	17	The Yellow Highlighted Information	(6), (8)
59	12	The Yellow Highlighted Information	(5)
60	13	The Yellow Highlighted Information	(6), (8)
63	9	The Yellow Highlighted Information	(6), (8), (10)
68	9	The Yellow Highlighted Information	(6), (8), (10)
69	4	The Yellow Highlighted Information	(6), (8)
69	6	The Yellow Highlighted Information	(6), (8)
69	8	The Yellow Highlighted Information	(6), (8)
69	12	The Yellow Highlighted Information	(6), (8), (10)
69	16	The Yellow Highlighted Information	(6), (8), (10)
69	23	The Yellow Highlighted Information	(6), (8), (10)

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
71	3	All Yellow Highlighted Information	(6), (8), (10)
71	9	The Yellow Highlighted Information	(6), (8), (10)
71	21	The Yellow Highlighted Information	(6), (8), (10)
72	19	The Yellow Highlighted Information	(6), (8), (10)
72	20	The Yellow Highlighted Information	(6), (8), (10)
74	9	The Yellow Highlighted Information	(6), (8), (10)
74	12	The Yellow Highlighted Information	(6), (8), (10)

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- (1) The information in question contains bid information provided in response to Tampa Electric's RFP or information contained in prior proposals relating to coal transportation. 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 in question 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.
  - (2) The information in question reveals the identity of bidders that submitted proposals 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 this information 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.

- (3) The information in question includes Tampa Electric's bid evaluation assumptions that reveal planned operations and existing contractual data. As such public disclosure of the information contained on these pages would adversely affect the competitive interests of Tampa Electric and its ability 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.
- (4) The information in question 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.
- (5) The information in question 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.
- (6) The information in question 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. 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.
- (7) The information in question contains a detailed description of Tampa Electric's expected coal needs by type and from different areas on the waterborne supply course during the RFP period (2004-2008). Inasmuch as the company has not already contracted for all of its expected coal needs during the 2004 through 2008 period, public disclosure of this



information would harm the company's negotiating position in its attempts to purchase coal at the most economic rate. Consequently, this information, as well, is entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

- (8) The information discloses in great detail Tampa Electric Company's commodity contract rates and transportation rates, by contract on a projected basis going out a number of years into the future. Public disclosure of this information would provide in minute detail the company's projected rates for all of the detailed components of the company's projected fuel and fuel transportation costs. As such, this information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. These types of rates on a commodity and segmented transportation basis have been recognized by the Commission on numerous occasions to constitute proprietary confidential business information the disclosure of which would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms and, likewise, harmful to the competitive interests of Tampa Electric and its affiliate, TECO Transport Corporation. This is the specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law.
- (9) The information in question discloses confidential proprietary terms and conditions of Tampa Electric's competitively negotiated existing contracts for goods or services. Public disclosure of this information would adversely affect Tampa Electric and the providers of goods and services to Tampa Electric under the existing contract in future contract negotiations. This would adversely affect Tampa Electric and its ratepayers and chill the market participation of future providers of goods and services to Tampa Electric. As such, the information in question is entitled to confidential treatment under Section 366.093(3)(d) and (e), Florida Statutes.
- (10) This information, although not necessarily confidential in and of itself, if made public would allow one to "back into" confidential proprietary business information. As such this information needs to be protected in order to not disclose other information that is confidential.