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ORIGINAL

May 19, 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

RECEIVED-FPSC
MAY 19 PM 2:22
COMMISSION
CLERK

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

Dear Ms. Bayo:

Pursuant to the December 11, 2003 Order Establishing Procedure¹ in this docket we wish to notify the Prehearing Officer and all parties to this proceeding that Tampa Electric Company intends to use and rely upon the following proprietary confidential business information at the hearing scheduled to convene in this docket on May 27, 2004:

1. All highlighted confidential information contained in the prefiled direct and rebuttal testimony and exhibits of each witness for each party to this proceeding.

2. Such other confidential documents as Tampa Electric may determine to be relevant and useful for purposes of cross examination and redirect examination of witnesses during the course of the proceeding. These may include documents containing confidential Tampa Electric information, bid documents from other bidders including CSXT and testimony filed in the 2003 fuel adjustment docket that contains highlighted confidential information. Such documents may also include late-filed exhibits and deposition transcripts and exhibits thereto, to the extent they contain confidential information entitled to protection against public disclosure.

Tampa Electric will utilize appropriate procedures to insure that the confidential nature of the information is preserved as required by statute, including the following:

- CMP _____
- COM 5
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH _____

¹ Order No. PSC-03-1398-PCO-EI

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Ms. Blanca S. Bayo
May 19, 2004
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Tampa Electric incorporates herein by reference the safeguard procedures enumerated in the second paragraph beginning on page 7 of the above-referenced Order Establishing Procedure, which reads as follows:

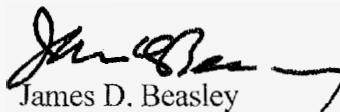
When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material. Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so. At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of the Commission Clerk and Administrative Services' confidential files.

In addition, Tampa Electric will take such other steps as may be necessary to provide meaningful input to the Commissioners, Staff and the parties and at the same time, avoid compromising the confidential nature of proprietary business information.

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: Braulio L. Baez, Chairman and Prehearing Officer
All Parties of Record