

ORIGINAL

Matilda Sanders

From: Tim Perry [tperry@mac-law.com]
 Sent: Tuesday, June 01, 2004 3:29 PM
 To: Filings@psc.state.fl.us
 Cc: James D. Beasley (E-mail); Cochran Keating; Mike Twomey; Scheff Wright (E-mail); Lee L. Willis (E-mail)
 Subject: Docket No. 031033-EI

In compliance with the Commission's procedures on e-filing, Public Counsel and FIPUG state as follows:

A: The person responsible for this filing is:
 Timothy J. Perry, Esq.
 McWhirter Reeves
 117 S. Gadsden St.
 Tallahassee, FL 32301
 (850) 222-2525
 (850) 222-5606 - Fax
 tperry@mac-law.com

B: The document is filed in Docket 031033-EI, Review of Tampa Electric Company's 2004-2008 waterborne transportation contract with TECO Transport and associated benchmark.

C: The document is filed on behalf of Public Counsel and FIPUG.

D: The document is 3 pages long.

E: The attached file contains the Joint Response in Opposition to Tampa Electric Company's Request for Confidential Classification for Portions of the Deposition Transcript of Michael J. Majoros, Jr.

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

6/1/2004

DOCUMENT NUMBER-DATE

06204 JUN-1 3

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's
2004-2008 waterborne transportation contract
with TECo Transport and associated benchmark.

Docket No.: 031033-EI
Filed: June 1, 2004

**JOINT RESPONSE IN OPPOSITION TO TAMPA ELECTRIC COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF THE
DEPOSITION TRANSCRIPT OF MICHAEL J. MAJOROS, JR.**

The Citizens of the State of Florida (Public Counsel) and the Florida Industrial Power Users Group (FIPUG), pursuant to rules 25-22.006 and 28-106.204, Florida Administrative Code, respond in opposition to Tampa Electric Company's (TECo) Request for Confidential Classification filed May 24, 2004. Public Counsel and FIPUG request that the Commission deny TECo's motion to shield from public review the information listed below. As grounds therefore, Public Counsel and FIPUG state:

1. In Order No. PSC-04-0545-CFO-EI, the Commission denied confidential classification for certain information in Mr. Majoros' prefiled testimony and exhibits. Most of the deposition information for which TECo seeks confidential treatment is identical to the information in the prefiled testimony and exhibits of Public Counsel/FIPUG witnesses Majoros that the Commission found not to be confidential in Order No. PSC-04-0545-CFO-EI. Therefore, Public Counsel and FIPUG incorporate their prior pleadings addressing this same information and request that the Commission deny TECo's request for confidential classification as to the information in the Majoros deposition transcript which the Commission has already found should be made public:

Majoros Deposition

1. Page 12, lines 13 and 18;
2. Page 13, lines 1 and 10 (the second figures);
3. Page 54, lines 4, 7, 18, 21 (the third and fourth figures) and 24;
4. Page 55, lines 4 and 23;
5. Page 56, line 2;
6. Page 63, line 6;

7. Page 67, line 22;
8. Page 79, lines 9, 10, 11, 21 and 23;
9. Page 81, line 7;
10. Late Filed Deposition Exhibit No. ___(MJM-1), Page 1 of 5, under the heading "Comparison of Rates," line 2, (the Snavely King Recommended rate);
11. Late Filed Deposition Exhibit No. ___(MJM-1), Page 1 of 5, under the heading "Source by Row," line 6, the second figure (the Snavely King rate);
12. Late Filed Deposition Exhibit No. ___(MJM-1), Page 2 of 5, all nonconfidential titles, column headings and text;
13. Late Filed Deposition Exhibit No. ___(MJM-1), Page 3 of 5, all nonconfidential titles, column headings and text;
14. Late Filed Deposition Exhibit No. ___(MJM-1), Page 4 of 5, all nonconfidential titles, column headings and text; and
15. Late Filed Deposition Exhibit No. ___(MJM-1), Page 5 of 5, the rate that appears on the bottom row, last column on the right, as well as all nonconfidential titles, column headings and text.

2. In addition, the information appearing at page 86, lines 6-8, should not be granted confidentiality: the same information appears unredacted elsewhere in the deposition transcript.

WHEREFORE, Public Counsel and FIPUG request that the Commission deny TECo's Request for Confidential Classification as described above.

Harold McLean
 Public Counsel
 Robert D. Vandiver
 Associate Public Counsel

Office of Public Counsel
 c/o the Florida Legislature
 111 W. Madison Street
 Room 812
 Tallahassee, Florida 32399-1400
 (850) 488-9330

Attorneys for Florida's Citizens

s/ Timothy J. Perry
 John W. McWhirter, Jr.
 McWhirter, Reeves, McGlothlin,
 Davidson, Kaufman, & Arnold, P.A.
 400 North Tampa Street, Suite 2450
 Tampa, Florida 33602

Vicki Gordon Kaufman
 Timothy J. Perry
 McWhirter, Reeves, McGlothlin
 Davidson, Kaufman, & Arnold, P.A.
 117 South Gadsden Street
 Tallahassee, Florida 32301
 (850) 222-2525

Attorneys for the Florida Industrial
 Power Users Group

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Response in Opposition to Tampa Electric Company's Request for Confidential Classification for Portions of the Deposition Transcript of Michael J. Majoros, Jr. has been furnished by (*) e-mail and U.S. Mail this 1st day of June 2004 to the following:

(*) Wm. Cochran Keating IV
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

(*) Lee L. Willis
James D. Beasley
Ausley & McMullen
227 S. Calhoun Street
Tallahassee, Florida 32302

(*) R. Sheffel Wright
Landers & Parsons
301 West College Avenue
Tallahassee, Florida 32301

(*) Mike Twomey
Post Office Box 5256
Tallahassee, Florida 32314-5256

s/ Timothy J. Perry
Timothy J. Perry