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June 7, 2004

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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

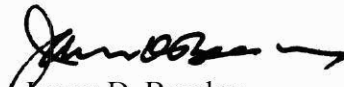
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa  
Electric Company's Motion for Reconsideration of Order No. PSC-04-0543-CFO-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,

  
James D. Beasley

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_ JDB/pp
- \_\_\_\_\_ Enclosure
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_ cc: All Parties of Record (w/enc.)
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH Kim P ✓

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DOCUMENT NUMBER-DATE

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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: June 7, 2004  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S  
MOTION FOR RECONSIDERATION  
OF ORDER NO. PSC-04-0543-CFO-EI**

Tampa Electric Company ("Tampa Electric" or "the company") pursuant to Rule 25-22.0376, Florida Administrative Code, hereby moves the Commission for reconsideration of a portion of Order No. PSC-04-0543-CFO-EI ("Order No. 04-0543") and as grounds therefor, states:

1. Order No. 04-0543 in part would deny confidential classification of Bates Stamp Page Nos. 5-10 of Tampa Electric's response to FIPUG's First Set of Interrogatories, No. 4, with the exception of the last line of the table on Bates Stamp Page 10 and the accompanying footnote which the Order would hold confidential. With respect to the remaining portions of Bates Stamp Page Nos. 5 – 10 the Order fails to consider that the information in question summarizes Mr. Dibner's analytical methodology of establishing waterborne transportation market rates and is, in fact, proprietary confidential business information created by Mr. Dibner.

2. The description provided on Bates Stamp Page Nos. 5-10 is a simplified approach or summary of Mr. Dibner's methodology of establishing waterborne transportation market rates. It is proprietary confidential business information that was created by Mr. Dibner. Mr. Dibner wrote this simplified description to help FIPUG and other parties in this docket understand his methodology. Although it is presented in less detail than Mr. Dibner's model and report, it is a

description of the same proprietary methodology that it used by Mr. Dibner to establish waterborne transportation market rates, and it is solely Mr. Dibner's work product.

3. Mr. Dibner developed the methodology described on Bates Stamp Page Nos. 5-10 based on his 27 plus years of experience working in the maritime transportation industry. If the information shown on Bates Stamp Page Nos. 5 – 10 is made public, the information could be taken and used by Mr. Dibner's competitors (other maritime industry consultants) and would cause significant harm to Mr. Dibner's ability to earn his livelihood as a maritime industry consultant. Bates Stamp Page Nos. 5-10 clearly are the type of documents that Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, were intended to protect.

4. Order No. 04-0543 states as the basis for denying confidential treatment on Bates Stamp Pages Nos. 5-10 that the analysis is not based upon the DMA model or methodology. This is simply incorrect, and the Commission should reconsider the Order's conclusion that the information on Bates Stamp Page Nos. 5-10 is not entitled to confidential treatment.

WHEREFORE, Tampa Electric moves the Commission for entry of an order reconsidering Order No. PSC-04-0543-CFO-EI and holding that all of Bates Stamp Page Nos. 5 – 10 of the response of Tampa Electric to FIPUG's First Set of Interrogatories, No. 4, are entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, as constituting information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

DATED this 7<sup>th</sup> day of June 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee L. Willis", is written over a light gray rectangular background. The signature is cursive and includes a long horizontal stroke at the end.

LEE L. WILLIS

JAMES D. BEASLEY

JOHN P. FONS

RICHARD E. DORAN

Ausley & McMullen

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(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Reconsideration, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 7<sup>th</sup> day of June 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

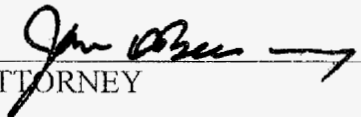
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\_\_\_\_\_  
ATTORNEY