

ORIGINAL

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June 10, 2004

HAND DELIVERED

RECEIVED-FPSC
COMMISSION CLERK
JUN 10 PM 2:33

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:

On May 20, 2004 we filed on behalf of Tampa Electric a Notice of Intent to Seek
Confidential Classification of certain information contained in the deposition transcripts and
deposition exhibits of Dr Robert L. Sansom, Dr. Anatoly Hochstein, Ms. Joann T. Wehle, Mr. Brent
Dibner, Mr. Frederick J. Murrell, Ms. Paula M. Guletsky and Mr. Martin Duff. As a follow up to
that Notice, and in accordance with Rule 25-22.006, Florida Administrative Code, we enclose for
filing the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential
Classification of the above-referenced deposition transcripts and deposition exhibits.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this
letter and returning same to this writer.

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

Thank you for your assistance in connection with this matter.

Sincerely,

James D. Beasley

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

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

06485 JUN 10 03

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 10, 2004  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S  
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 specified confidential classification of certain confidential information contained in the deposition transcripts and exhibits of Dr. Robert L. Sansom, Dr. Anatoly Hochstein, Ms. Joann T. Wehle, Mr. Brent Dibner, Mr. Frederick J. Murrell, Ms. Paula M. Guletsky and Mr. Martin Duff, and as grounds therefor, says:

1. On May 20, 2004 Tampa Electric submitted the above-listed deposition transcripts and exhibits as confidential documents printed on yellow paper stock along with a Notice of Intent to Seek Confidential Classification. The materials were submitted on yellow paper stock as an interim measure to protect the confidential information contained in the transcripts and exhibits, to provide Staff with immediate access to them and to afford Tampa Electric and counsel for CSXT an opportunity to identify and highlight the information that needs confidential protection.

2. As stated in the Notice of Intent Tampa Electric, in coordination with counsel for CSX Transportation, have reviewed these deposition transcripts and exhibits and have highlighted in yellow only that information they consider to be confidential proprietary business information. Tampa Electric is submitting under a separate cover letter the highlighted

confidential versions of the above-referenced deposition transcripts and exhibits. We request that the highlighted filings be exchanged for the yellow paper stock deposition transcripts and exhibits we filed on May 20, 2004.

3. <sup>\*</sup> The information contained in the yellow highlighted pages or portions thereof in the deposition transcripts and exhibits are in need of confidential protection (the “Confidential Information”). The Confidential Information the company seeks to have protected is entitled to confidential treatment pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, as is more fully set forth in the Justification for Confidential Treatment attached hereto as Exhibit “A”.

4. 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. 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. Tampa Electric further requests that the deposition transcripts and deposition exhibits printed on yellow paper stock and filed with the Commission on May 20, 2004 be returned to the undersigned in exchange for the highlighted versions being filed under separate cover letter this date.

DATED this 10<sup>th</sup> day of June 2004.

Respectfully submitted,



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 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 8<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

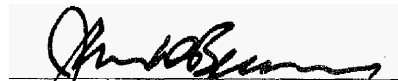
Ms. Vicki Gordon Kaufman\*  
Mr. Timothy J. Perry  
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Mr. John W. McWhirter, Jr.  
McWhirter, Reeves, McGlothlin,  
Davidson, Kaufman & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-5126

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 DEPOSITION TRANSCRIPTS AND EXHIBITS**

**Dr. Robert L. Sansom – April 21, 2004**

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
17	14, 15, 16, 17, 23	The Yellow Highlighted Information	(1), (2)
18	23, 24	The Yellow Highlighted Information	(1), (2), (3)
19	4, 5	The Yellow Highlighted Information	(1), (2), (3)
44	8, 22	The Yellow Highlighted Information	(1), (2), (3)
45	7	The Yellow Highlighted Information	(1), (2), (3)
53	10	The Yellow Highlighted Information	(4)
55	10, 11, 12	The Yellow Highlighted Information	(2)
55	20	The Yellow Highlighted Information	(5)
56	16	The Yellow Highlighted Information	(1), (2), (3)
58	17, 18	The Yellow Highlighted Information	(6)
63	13, 16	The Yellow Highlighted Information	(1), (6), (7)
63	24	The Yellow Highlighted Information	(5)
64	3, 9, 19, 20, 25	The Yellow Highlighted Information	(5)
65	4, 12, 13, 14, 17, 21, 24	The Yellow Highlighted Information	(5)
100	19	The First Yellow Highlighted Number	(1), (2), (3)
100	19	The Second Yellow Highlighted Number	(5)
100	21	The Yellow Highlighted Information	(1), (2), (3)
101	1, 19	The Yellow Highlighted Information	(5)

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
118	11, 19	The Yellow Highlighted Information	(1), (2), (3)
120	2, 3, 14	The Yellow Highlighted Information	(1), (7)
122	1, 11, 14, 20, 23, 24	The Yellow Highlighted Information	(5)
123	19	The Yellow Highlighted Information	(5)
124	15, 16, 23	The Yellow Highlighted Information	(5)
125	1, 7, 8	The Yellow Highlighted Information	(5)
130	8, 9	The Yellow Highlighted Information	(5)
132	6, 7, 8	The Yellow Highlighted Information	(5)
134	8, 9	The Yellow Highlighted Information	(2)
135	8, 9	The Yellow Highlighted Information	(2)
135	10, 11	The Yellow Highlighted Information	(2), (3)
136	4	The Yellow Highlighted Information	(1)
144	4	The Yellow Highlighted Information	(5)

**Late Filed Deposition Exhibit of Dr. Robert Sansom**

<u>Page No.</u>	<u>Ex. No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
Bates Stamp Page 352	3	The Yellow Highlighted Information in column (g)	(2)
Bates Stamp Page 352	3	The Yellow Highlighted Information in column (h)	(1)

**Dr. Anatoly Hochstein – April 22, 2004**

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
33	5, 6	The Yellow Highlighted Information	(5)

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
94	5, 18, 23	The Yellow Highlighted Information	(5)
102	23	The Yellow Highlighted Information	(5)
103	10	The First Yellow Highlighted Number	(5)
103	10	The Second Yellow Highlighted Number	(3), (5)
103	12, 14, 25	The Yellow Highlighted Information	(5)
104	1	The First Yellow Highlighted Number	(5)
104	1	The Second Yellow Highlighted Number	(3), (5)
104	4, 5, 24	The Yellow Highlighted Information	(5)
130	23	The Yellow Highlighted Information	(5)
142	10, 11, 12, 13	The Yellow Highlighted Information	(5)
142	15	The Yellow Highlighted Information	(3), (5)
192	13, 14, 23	The Yellow Highlighted Information	(8)
206	17	The Yellow Highlighted Information	(5)
210	8	The Yellow Highlighted Information	(5)

**Deposition Exhibit of Dr. Anatoly Hochstein**

<u>Page No.</u>	<u>Ex. No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
	2	The document in question consists of handwritten notes that do not contain line numbers and column numbers and not set out in a format that lends itself to adding line and column numbers. Accordingly, the detailed justification rationale numbers have been annotated in the handwritten notes themselves, adjacent to each highlighted item of information for which confidential treatment is sought. See handwritten notes for rational numbers.	(1), (2), (3), (5), (6),



<u>Page No.</u>	<u>Ex. No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
	9	See above detailed description	(1), (2), (3), (5), (6)
	16	The Yellow Highlighted Information	(8)

\*

**Joann T. Wehle, May 12, 2004**

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
41	2, 7, 8, 11	The Yellow Highlighted Information	(5)
45	3, 12, 13, 14, 20	The Yellow Highlighted Information	(5)
45	8, 25	The Yellow Highlighted Information	(3), (5)
46	4	The Yellow Highlighted Information	(3), (5)
46	11	The Yellow Highlighted Information	(2), (3)
61	3, 5, 11	The Yellow Highlighted Information	(5)
61	7	The Yellow Highlighted Information	(3), (5)
75	23	The Yellow Highlighted Information	(5)
76	5	The Yellow Highlighted Information	(5)
154	4, 18, 19	The Yellow Highlighted Information	(5)
169	13, 19, 25	The Yellow Highlighted Information	(5)
169	21	The Yellow Highlighted Information	(3), (5)
170	6, 7, 13	The Yellow Highlighted Information	(5)
172	2, 10	The Yellow Highlighted Information	(5)
181	5	The Yellow Highlighted Information	(5)
181	20, 21	The Yellow Highlighted Information	(2)
182	1	The Yellow Highlighted Information	(2)

9	See above detailed description	(1), (2), (3), (5), (6)
16	The Yellow Highlighted Information	(8)

**Joann T. Wehle, May 12, 2004**

<b><u>Page No.</u></b>	<b><u>Line No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
41	2, 7, 8, 11	The Yellow Highlighted Information	(5)
45	3, 12, 13, 14, 20	The Yellow Highlighted Information	(5)
45	8, 25	The Yellow Highlighted Information	(3), (5)
46	4	The Yellow Highlighted Information	(3), (5)
46	11	The Yellow Highlighted Information	(2), (3)
61	3, 5, 11	The Yellow Highlighted Information	(5)
61	7	The Yellow Highlighted Information	(3), (5)
75	23	The Yellow Highlighted Information	(5)
76	5	The Yellow Highlighted Information	(5)
154	4, 18, 19	The Yellow Highlighted Information	(5)
169	13, 19, 25	The Yellow Highlighted Information	(5)
169	21	The Yellow Highlighted Information	(3), (5)
170	6, 7, 13	The Yellow Highlighted Information	(5)
172	2, 10	The Yellow Highlighted Information	(5)
181	5	The Yellow Highlighted Information	(5)
181	20, 21	The Yellow Highlighted Information	(2)
182	1	The Yellow Highlighted Information	(2)
183	19, 23	The Yellow Highlighted Information	(2)

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
183	19, 23	The Yellow Highlighted Information	(2)
198	3, 6, 7	The Yellow Highlighted Information	(4)
199	21, 22, 23, 24, 25	The Yellow Highlighted Information	(2)
200	1, 2, 3,5, 6, 7, 9, 10, 12, 17, 18, 19	The Yellow Highlighted Information	(2)
201	11	The Yellow Highlighted Information	(5)
201	18, 19	The Yellow Highlighted Information	(2), (3)
202	9, 11, 13, 14, 15. 16. 18	The Yellow Highlighted Information	(2)
207	5, 7, 8, 18	The Yellow Highlighted Information	(6)
213	19, 20, 22, 23	The Yellow Highlighted Information	(5)
219	13, 14, 15	The Yellow Highlighted Information	(2), (3), (4)
229	18, 22	The Yellow Highlighted Information	(2), (3)
230	3, 4, 5, 8, 9, 10 11, 22, 12, 24	The Yellow Highlighted Information	(2)
231	20	The Yellow Highlighted Information	(2), (3)
250	18	The Yellow Highlighted Information	(1), (6)
250	25	The Yellow Highlighted Information	(1)

**Deposition Exhibit of Joann T. Wehle**

<u>Page No.</u>	<u>Ex. No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
	6	All Information on the Listed Page	(1), (2), (3), (6)

**Brent Dibner – May 11, 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	6, 15, 17, 18, 19, 24	The Yellow Highlighted Information	(5)
30	4, 6, 7,	The Yellow Highlighted Information	(8)
31	3, 4, 11, 18	The Yellow Highlighted Information	(8)
32	6, 9, 11, 13	The Yellow Highlighted Information	(8)
49	15, 23	The Yellow Highlighted Information	(8)
50	8, 12, 18	The Yellow Highlighted Information	(8)
71	15	The Yellow Highlighted Information	(5)
75	9, 23	The Yellow Highlighted Information	(5)
76	1, 8, 9	The Yellow Highlighted Information	(5)
77	17	The Yellow Highlighted Information	(5)
84	1, 2	The Yellow Highlighted Information	(5)
92	25	The Yellow Highlighted Information	(8)
93	6	The Yellow Highlighted Information	(8)
100	8	The Yellow Highlighted Information	(8)
110	7	The Yellow Highlighted Information	(5)
144	13	The Yellow Highlighted Information	(5)
166	19	The Yellow Highlighted Information	(5)
166	20	The Yellow Highlighted Information	(6)
166	21, 22	The Yellow Highlighted Information	(1), (6)
167	7, 8	The Yellow Highlighted Information	(5)
170	18, 22	The Yellow Highlighted Information	(8)

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
171	6	The Yellow Highlighted Information	(8)
<b><u>Brent Dibner Deposition Evening Session– May 11, 2004UB</u></b>			
13	22, 23, 24	The Yellow Highlighted Information	(8)
4	4	The Yellow Highlighted Information	(5)
68	10, 14	The Yellow Highlighted Information	(8)
70	4	The Yellow Highlighted Information	(5)
70	12, 13, 17	The Yellow Highlighted Information	(1), (6)
70	24	The Yellow Highlighted Information	(1), (3), (8)
72	7	The Yellow Highlighted Information	(1), (6)
75	7	The Yellow Highlighted Information	(1), (8)
75	15	The Yellow Highlighted Information	(1), (3), (8)

**Deposition Exhibits of Brent Dibner**

<u>Page No.</u>	<u>Ex. No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
Bates Stamp Pages 281-287	2	All Information on the Listed Pages	(9)
Bates Stamp Pages 7047, 7606, 7608, 7610, 7612, 7614, 7616, 7618	3	All Information on the Listed Pages	(9)
Bates Stamp Pages 7081, 7689, 7690, 7693, 7695, 7697, 7699	4	All Information the Listed Pages	(9)
Bates Stamp Pages 7031, 7569, 7571, 7572	5	All Information on the Listed Pages	(9)

<u>Page No.</u>	<u>Ex. No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
Bates Stamp Pages 7091, 7719, 7721, 7723, 7725	6	All Information on the Listed Pages	(9)
Bates Stamp Pages 7027, 7533, 7543	7	All Information on the Listed Pages	(9)
Bates Stamp Pages 7027	8	All Information on the Listed Page	(9)
Bates Stamp	9	The Highlighted Dollar Amount	(8)

**Frederick J. Murrell – May 13, 2004**

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
73	6	The Yellow Highlighted Information	(1)
74	12	The Yellow Highlighted Information	(1)
89	1, 4	The Yellow Highlighted Information	(5)

**Paula M. Guletsky – May 13, 2004**

57	18, 20	The Yellow Highlighted Information	(10)
64	2, 17	The Yellow Highlighted Information	(10)
65	10, 11	The Yellow Highlighted Information	(10)
66	3, 12	The Yellow Highlighted Information	(10)
67	7, 8	The Yellow Highlighted Information	(10)
69	8, 9	The Yellow Highlighted Information	(10)
85	4	The Yellow Highlighted Information	(10)
88	15, 16	The Yellow Highlighted Information	(10)
102	19, 20, 22	The Yellow Highlighted Information	(10)

<u>Page No.</u>	<u>Line No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
103	24	The Yellow Highlighted Information	(10)
104	3, 4, 17, 19	The Yellow Highlighted Information	(10)
106	20, 21	The Yellow Highlighted Information	(10)
107	16	The Yellow Highlighted Information	(10)
110	15	The Yellow Highlighted Information	(10)
124	25	The Yellow Highlighted Information	(10)
148	18	The Yellow Highlighted Information	(10)

**Martin Duff – May 14, 2004**

40	10, 13, 17, 18	The Yellow Highlighted Information	(5)
41	9, 10, 14, 20, 21	The Yellow Highlighted Information	(5)
42	3, 4, 5, 6, 9, 10 13, 14, 19, 25	The Yellow Highlighted Information	(11), (12)
43	1, 3, 8, 9, 13, 19, 20, 23, 24	The Yellow Highlighted Information	(11), (12)
44	5, 6, 7, 10, 11, 12, 19	The Yellow Highlighted Information	(11), (12)
50	1	The Yellow Highlighted Information	(5)
71	25	The Yellow Highlighted Information	(5)
72	3	The Yellow Highlighted Information	(5)
84	4	The Yellow Highlighted Information	(11)

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- (1) 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.

- (2) The information in question discloses confidential proprietary terms and conditions of Tampa Electric's competitively negotiated existing or recently concluded 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.
- (3) 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.
- (4) 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.
- (5) The information contained on the listed pages reveals the identity of bidders or describes terms of the proposals received in response to Tampa Electric's RFPs to provide coal or coal transportation. Disclosing bidders' identities 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. As such public disclosure of the information contained on these pages would adversely affect the competitive interests of the bidders and the ability of Tampa Electric to contract for goods and services on favorable terms in the future. 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.



- (6) 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.
- (7) 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.
- (8) 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.
- (9) The information contained in this document provides detailed information regarding Tampa Electric's coal requirements, TECO Transport's waterborne coal transportation operations, the identity and production output of TECO Transport's backhaul customers and the destination of their shipments. All of this information is proprietary business information the public disclosure of which would jeopardize the competitive interests of all of the entities involved.

- (10) 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.
- (11) The information contained on the listed pages contains information about the terms or price of one of Tampa Electric's confidential fuel purchase contracts. This information, either on its own or in conjunction with publicly available information, reveals competitive, contractual information, the disclosure of which would be harmful to the competitive interests of Tampa Electric and the other party to the contract in negotiating future contracts on favorable terms. As such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.
- (12) The information contained on the listed pages reveals the outcome of a bid solicitation which has not yet closed. Disclosing the results prior to completing negotiation of a contract could be harmful to the ability of Tampa Electric to contract for goods and services on favorable terms. Furthermore, in the event that a contract cannot be negotiated with the first selected provider, another offer will be utilized. Making the outcome public before a contract is negotiated would affect the continued viability of the other offers as well as those parties' potential willingness to negotiate a contract. 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.

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ORIGINAL

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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JUN 10 11:30

JUN 10 PM 2:37

COMMISSION  
CLERK

June 10, 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

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

TRANSMITTAL OF CONFIDENTIAL INFORMATION

Dear Ms. Bayo:

On May 20, 2004 we submitted on a confidential basis deposition transcripts and exhibits of  
the following deponents in this proceeding:

Dr. Robert L. Sansom	(with exhibits)	06486-04 *
Dr. Anatoly Hochstein	(with exhibits)	06487-04
Ms. Joann T. Wehle	(with exhibits)	06488-04
Mr. Brent Dibner	(with exhibits)	06489-04
Mr. Frederick J. Murrell	(with exhibits)	06490-04
Ms. Paula M. Guletsky		06491-04
Mr. Martin Duff	(with exhibits)	06492-04

Tampa Electric also filed a Notice of Intent to Seek Confidential Classification of certain  
information contained in the above deposition transcripts and exhibits. The May 20 filing was  
made on yellow paper stock to afford the Commission's Staff prompt access to the information  
and, at the same time, to protect all of the information contained in the transcripts and exhibits  
while Tampa Electric had an opportunity, working in conjunction with counsel for CSXT, to go  
through the transcripts and exhibits and highlight information needing confidential protection.  
As further explained in the Notice of Intent, Tampa Electric offered to substitute copies of the  
deposition transcripts and exhibits with the confidential information highlighted in yellow in  
exchange for the yellow paper stock versions. The enclosed confidential versions of the  
deposition transcripts and exhibits of the above witnesses accomplish the above plan by

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FPSC-BUREAU OF RECORDS

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highlighting only the information which needs confidential protection. We would appreciate your substituting the enclosed confidential versions of the above-listed deposition transcripts and exhibits in place of the yellow paper stock versions. We also request that you return the yellow paper stock versions to the undersigned.

We are also filing this date a Request for Confidential Classification which includes a detailed justification for confidential treatment of the highlighted portions of the above-referenced deposition transcripts and exhibits.

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: All Parties of Record (w/o encls.)