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ORIGINAL

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COMMISSION CLERK

October 27, 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: Fuel and Purchased Power Cost Recovery Clause with Generating
Performance Incentive Factor; FPSC Docket No. 040001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa Electric Company's Notice of Intent to Seek Confidential Classification and Motion for Temporary Protective Order regarding portions of its answers to FIPUG's First Set of Interrogatories (Nos. 2 and 5).

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

COM _____
CTR _____
EGR 1
GCL _____
OPC _____
MMS _____
RCA _____
SCR _____
SEC 1
OTH _____

JDB/pp
Enclosure

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

1 copy records kmp.
ok 11/2/04 kmp

RECEIVED & FILED
JH
FPSC-BUREAU OF RECORDS

This docketed notice of intent was filed with Confidential Document No. 11624-04. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

DOCUMENT NUMBER-DATE
11623 OCT 27 04
FPSC-COMMISSION CLERK

In re: Fuel and Purchased Power Cost Recovery)	
Clause with Generating Performance Incentive)	DOCKET NO. 040001-EI
Factor.)	FILED: October 27, 2004
_____)	

**TAMPA ELECTRIC COMPANY’S NOTICE OF INTENT
TO SEEK CONFIDENTIAL CLASSIFICATION AND
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Tampa Electric Company hereby serves Notice of its Intent to Seek Confidential Classification of portions of its answers to the First Set of Interrogatories (Nos. 2 and 5), propounded by the Florida Industrial Power Users Group (“FIPUG”) and, as grounds therefor, states:

1. Tampa Electric this date is filing and serving its answers to FIPUG’s First Set of Interrogatories (Nos. 2 and 5), portions of which contain highly proprietary confidential business information entitled to protection under the above-referenced statute and rule.
2. Tampa Electric is serving on the Commission’s Staff through the Office of the Commission Clerk, a single unredacted version of its answers containing the confidential information highlighted in yellow and stamped “CONFIDENTIAL” pursuant to a Notice of Intent to Seek Confidential Classification.
3. Tampa Electric is also serving a single copy of the unredacted answers to OPC pursuant to a Motion for Temporary Protective Order as contemplated in Rule 25-22.006(6)(c), Florida Administrative Code, with the confidential information highlighted in yellow and stamped “CONFIDENTIAL.”

4. Tampa Electric is also serving a single copy to FIPUG pursuant to a Non-Disclosure Agreement dated October 19, 2004 entered into for purposes of this docket.

5. Public disclosure of any of the confidential information contained in Tampa Electric's answers would be very detrimental to the competitive and economic interests of the provider of the information. Tampa Electric is entitled to confidential protection of the information in question pursuant to Section 366.093, Florida Statutes, and rule 25-22.006, Florida Administrative Code.

WHEREFORE, Tampa Electric services this its Notice of Intent to Seek Confidential Classification and moves the Commission for entry of a Temporary Protective order as set forth above.

DATED this 27th day of October 2004.

Respectfully submitted,



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 Notice of Intent and Motion for Temporary Protective Order, filed of behalf of Tampa Electric Company has been furnished by U. S. Mail or hand delivery (*) on this 27th day of October 2004 to the following:

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