

ORIGINAL

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

RECEIVED-FPSC

OCT 27 PM 4: 27

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

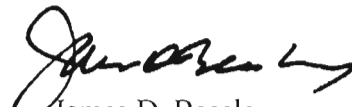
Dear Ms. Bayo:

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 Staff's Fourth Set of Interrogatories (Nos.17-
22).

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 1 JDB/pp
Enclosure
- GCL _____
- OPC _____ cc: All Parties of Record (w/enc.)
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH 1 conf records

**This docketed notice of intent was filed with
Confidential Document No. 11627-04. The
document has been placed in confidential storage
pending timely receipt of a request for
confidentiality.**

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11626 OCT 27 04

FPSC-COMMISSION CLERK

*11/2/04
KMP*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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 Fourth Set of Interrogatories (Nos. 17-22), propounded by the Staff of the Florida Public Service Commission ("FPSC") and, as grounds therefor, states:

1. Tampa Electric this date is filing and serving its answers to Staff's Fourth Set of Interrogatories (Nos. 17-22), 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."

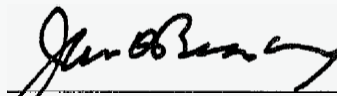
4. Tampa Electric is also serving a single copy to FIPUG pursuant to a Non-Disclosure Agreement dated October 19, 2004 entered into for purposes of this docket.

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 serves 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:

Mr. Wm. Cochran Keating, IV*
Ms. Adrienne E. Vining
Ms. Jennifer Rodan
Senior Attorneys
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0863

Mr. James A. McGee
Associate General Counsel
Progress Energy Florida, Inc.
Post Office Box 14042
St. Petersburg, FL 33733

Mr. Joseph A. McGlothlin
Ms. Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Kaufman & Arnold, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

Ms. Patricia A. Christensen
Associate Public Counsel
Office of Public Counsel
111 West Madison Street – Suite 812
Tallahassee, FL 32399-1400

Mr. Norman Horton
Messer Caparello & Self
Post Office Box 1876
Tallahassee, FL 32302

Mr. John T. Butler
Steel Hector & Davis LLP
200 South Biscayne Boulevard
Suite 4000
Miami, FL 33131-2398

Mr. William Walker
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Mr. R. Wade Litchfield
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408

Mr. John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin,
Davidson, Kaufman & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, FL 33601-5126

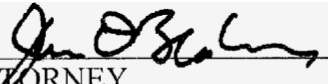
Ms. Susan Ritenour
Gulf Power Company
One Energy Place
Pensacola, FL 32520

Mr. Jeffrey A. Stone
Mr. Russell A. Badders
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32591-2950

Mr. Joe Regnery
Island Center
2701 North Rocky Point Drive, Suite 1200
Tampa, FL 33607

Mr. John C. Moyle, Jr.
Mr. Bill Hollimon
Moyle, Flanigan, Katz, Raymond &
Sheehan, P.A.
118 N. Gadsden Street
Tallahassee, FL 32301

Mr. Thomas Churbuck
911 Tamarind Way
Boca Raton, FL 33486



ATTORNEY

h:\jdb\tec\040001 noi & mt. pro order staff 4th interrog..doc