

# 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

October 13, 2005

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. 050001-EI

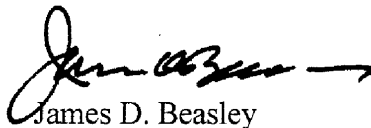
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Protective Order of portions of its answers to Office of Public Counsel's Second Set of Interrogatories (Nos. 6-22).

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

JDB/pp  
Enclosure

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

DOCUMENT NUMBER-CAT

09860 OCT 13 12

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery )  
Clause with Generating Performance Incentive )  
Factor. )  
\_\_\_\_\_ )

DOCKET NO. 050001-EI  
FILED: October 13, 2005

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**  
**AND MOTION FOR PROTECTIVE ORDER**

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 confidential classification of certain highlighted information contained in portions of its answers to the Office of Public Counsel’s (“OPC”) Second Set of Interrogatories (Nos. 6-22). The confidential information in question appears on Bates stamp page number 9 of the company’s answer to Interrogatory No. 11; Bates stamp page numbers 11-14 of the company’s answer to Interrogatory No. 13; Bates stamp page numbers 15-18 of the company’s answer to Interrogatory No. 14; and Bates stamp page numbers 19-23 of the company’s answer to Interrogatory No. 15 (collectively referred to as the “Confidential Information”). A single yellow highlighted copy of each of the above pages containing Confidential Information is being separately filed with the Commission this date. This request is also intended to served as a request for a protective order within the contemplation of Rule 25-22.006(6)(b), Florida Administrative Code, such that it will protect the Confidential Information from public Disclosure while in the possession of the Office of Public Counsel and the Florida Industrial Power Users Group. Attached hereto as Exhibit “A” is a justification for designating the Confidential Information proprietary confidential business information under the above-referenced statute and rule. In support of this request, the company states:

1. Subsection 366.093(1), Florida Statutes, provides that any records “found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1) [requiring disclosure under the Public Records Act].” The proprietary confidential business information includes, but is not limited to:

(d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms. (Section 366.093(3)(d), Florida Statutes)

2. Proprietary confidential business information also includes:

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. (Section 366.093(3)(e), Florida Statutes)

3. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

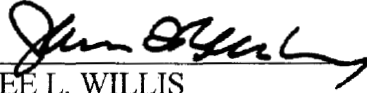
4. The material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

5. The request for confidential classification is intended to serve as Tampa Electric’s motion for a protective order pursuant to Rule 25-22.006(6), Florida Administrative Code.

WHEREFORE, Tampa Electric Company respectfully requests that the highlighted Confidential Information set forth in its answers to Office of Public Counsel’s Second Set of Interrogatories (Nos. 6-22) be accorded confidential classifications for the reasons set forth above.

DATED this 13<sup>th</sup> day of October 2005.

Respectfully submitted,



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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 copy of the foregoing Request for Confidential Classification, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 13<sup>th</sup> day of October 2005 to the following:

Ms. Adrienne E. Vining\*  
Senior Attorney  
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. Gary V. Perko  
Hopping Green & Sams P.A.  
P.O. Box 6526  
Tallahassee, FL 32314

Mr. Timothy J. Perry  
McWhirter, Reeves & Davidson, P.A.  
117 S. Gadsden Street  
Tallahassee, FL 32301

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

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

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

Ms. Cheryl Martin  
Florida Public Utilities Company  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

Mr. John T. Butler  
Squire, Sanders & Dempsey, L.L.P.  
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 33408-0420

Ms. Susan Ritenour  
Secretary and Treasurer  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

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


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

Mr. Robert Scheffel Wright  
Mr. John T. LaVia, III  
Landers & Parsons, P.A.  
310 West College Avenue  
Tallahassee, FL 32301

Mr. Mark Hoffman  
Legal Department  
CSX Transportation  
500 Water Street, 14<sup>th</sup> Floor  
Jacksonville, FL 32202

Lieutenant Colonel Karen White  
Major Craig Paulson  
AFCESA/ULT  
139 Barnes Drive  
Tyndall Air Force Base, FL 32403

Mr. Michael B. Twomey  
Post Office Box 5256  
Tallahassee, FL 32314-5256

  
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ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED  
PORTIONS OF TAMPA ELECTRIC'S RESPONSE TO  
OPC'S SECOND SET OF INTERROGATORIES (NOS. 6-22)**

<b><u>Bates Stamp Page No.</u></b>	<b><u>Interrogatory No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
9	11 (Page 1 of 1)	All Highlighted Numbers	(1)
11	13 (Page 1 of 4)	All Highlighted Numbers	(1)
12	13 (Page 2 of 4)	All Highlighted Numbers	(1)
13	13 (Page 3 of 4)	All Highlighted Numbers	(1)
14	13 (Page 4 of 4)	All Highlighted Numbers	(1)
15	14 (Page 1 of 4)	All Highlighted Numbers	(1)
16	14 (Page 2 of 4)	All Highlighted Numbers	(1)
17	14 (Page 3 of 4)	All Highlighted Numbers	(1)
18	14 (Page 4 of 4)	All Highlighted Numbers	(1)
19	15 (Page 1 of 5)	All Highlighted Numbers	(1)
20	15 (Page 2 of 5)	All Highlighted Numbers	(1)
21	15 (Page 3 of 5)	All Highlighted Numbers	(1)
22	15 (Page 4 of 5)	All Highlighted Information	(1)
23	15 (Page 5 of 5)	All Highlighted Information	(1)

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- (1) The information in question is entitled to confidential treatment as confidential proprietary business information pursuant to Section 366.093(3)(d) and (e), Florida Statutes. The information is a privately negotiated price or substantive term or condition of a contract between Tampa Electric and one of its suppliers of goods or services. Public dissemination of this privately negotiated contract price or substantive contract term or condition would adversely affect Tampa Electric in future contract negotiations in that it would provide all potential bidders with knowledge as to what price, terms or conditions Tampa Electric will agree to include in a contract for the supply of goods or services. This would assist potential bidders in proposing a contract price or contract terms and conditions most advantageous to the bidder and disadvantageous to Tampa Electric and its customers. As such, this information meets the statutory definition of information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility to contract for goods or services on favorable terms. Moreover, it is information relating to competitive interests, the disclosure of which would impair the competitive business of Tampa Electric, entitling the information to confidential treatment under Section 366.093(3)(e), Florida Statutes.