

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

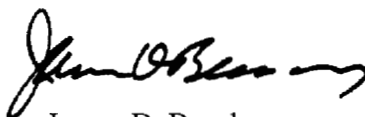
Dear Ms. Bayo:

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 the Florida Public Service Commission Staff's Sixth Set of Interrogatories (Nos. 70-73).

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-DATE

09862 OCT 13 05

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 050001-EI
Factor.) FILED: October 13, 2005
_____)

REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND FOR A 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 Florida Public Service Commission Staff’s Sixth Set of Interrogatories (Nos. 70-73). The confidential information in question appears on page 2 of 2 of the company’s answer to Interrogatory No. 70 (referred to as the “Confidential Information”). A single yellow highlighted copy of the Confidential Information contained in Interrogatory No. 70 is being separately filed with the Commission this date. This request is also intended to serve 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.

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.

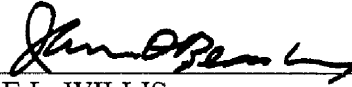
4. The material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

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 respectfully requests that the highlighted Confidential Information set forth in its Answers to Staff's Sixth Set of Interrogatories (Nos. 70-73) be accorded confidential classification for the reasons set forth above.

DATED this 13th day of October 2005.

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

Ms. Adrienne E. Vining*
Senior Attorney
Office of General Counsel
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, 14th 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



ATTORNEY

JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC'S RESPONSE TO THE FLORIDA PUBLIC SERVICE COMMISSION STAFF'S SIXTH SET OF INTERROGATORIES (NOS. 70-73)

<u>Bates Stamp Page No.</u>	<u>Interrogatory No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
2	70 (Page 2 of 2)	The Highlighted Information	(1)

- (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.