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October 19, 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

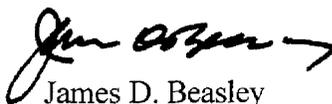
Dear Ms. Bayo:

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 Third Set of Interrogatories (Nos. 23-29).

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

10130 OCT 19 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 19, 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”) Third Set of Interrogatories (Nos. 23-29). The confidential information in question appears on Bates stamp page number 1 of the company’s answer to Interrogatory No. 23, and Bates stamp page number 4 of the company’s answer to Interrogatory No. 26 (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 Third Set of Interrogatories (Nos. 23-29) be accorded confidential classifications for the reasons set forth above.

DATED this 19<sup>th</sup> day of October 2005.

Respectfully submitted,



LEE L. WILLIS

JAMES D. BEASLEY

Ausley & McMullen

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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 19<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. R. Alexander Glenn  
Deputy General Counsel-Florida  
Progress Energy Service Co., LLC  
100 Central Avenue  
St. Petersburg, FL 33701-3324

Mr. Gary V. Perko  
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Ms. Patricia A. Christensen\*  
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Florida Power & Light Company  
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Secretary and Treasurer  
Gulf Power Company  
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Mr. John T. LaVia, III  
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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 THIRD SET OF INTERROGATORIES (NOS. 23-29)**

<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>
1	23 (Page 1 of 1)	All Highlighted Information	(1)
4	26 (Page 1 of 1)	All Highlighted Information	(2)

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- (1) Subsection 366.093(1) 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].” Proprietary confidential business information includes, but is not limited to “[i]nformation concerning . . . 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.” Subsection 366.093(3)(d). Proprietary confidential business information also includes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Section 366.093(3)(e). The designated portions of Tampa Electric’s answer to Interrogatory No. 23 fall within these statutory categories and, thus, constitute proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006. Disclosure of the highlighted information in Tampa Electric answer to Interrogatory No. 23 would disclose Tampa Electric’s current purchasing strategy (both with respect to fuel and purchased power) and risk exposure. Those who have an interest in supplying Tampa Electric’s fuel and purchased power needs could use this valuable information to help them negotiate more favorable terms, to the detriment of Tampa Electric and its ratepayers, than would otherwise be the case. They could learn of the company’s plans and needs and use that information in exacting better prices for meeting those needs.
- (2) Subsection 366.093(1) 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].” Proprietary confidential business information includes, but is not limited to “[i]nformation concerning . . . 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.” Subsection 366.093(3)(d). Proprietary confidential business information also includes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Section 366.093(3)(e). The designated portions of Tampa Electric’s answer to Interrogatory No. 26 fall within these statutory categories and, thus, constitute proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

Disclosing the identity of the counterparties with whom Tampa Electric is executing financial hedges would afford competitors of those counterparties valuable information with which to assess the hedging strategy of Tampa Electric, including the size, characteristics and financial capability of Tampa Electric's counterparties and type of hedging Tampa Electric has in place. That information could enable those competitors to extract higher prices from Tampa Electric than they might otherwise agree to in similar hedging agreements in the future.

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