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October 28, 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

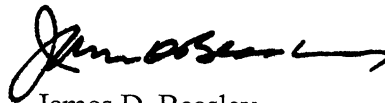
Dear Ms. Bayo:

Enclosed for filing in the above docket on behalf of Tampa Electric Company are the original and ten (10) copies of Request for Confidential Classification and Motion for Protective Order.

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/bjd  
Enclosures

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

DOCUMENT NUMBER-DATE

10461 OCT 28 '05

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 28, 2005

**TAMPA ELECTRIC COMPANY'S  
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 Tampa Electric Witness Joann T. Wehle's Late-Filed Deposition Exhibits No. 2, page 2 of 2 provided in response to a request during her deposition on October 21, 2005 in the above docket. The confidential information in question (referred to herein as the "Confidential Information") appears in the "Commodity" and "Transportation" columns of Late-Filed Exhibit No. 2, page 2 of 2. 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. Attached hereto is 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

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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 Ms. Wehle’s Late-Filed Deposition Exhibit No. 2, page 2 of 2 be afforded confidential classification for the reasons set forth above.

DATED this 28<sup>th</sup> day of October 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee L. Willis", with a long horizontal line extending to the right from the end of the signature.

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 and Motion for Protective Order has been furnished by U. S. Mail or hand delivery (\*) on this 28<sup>th</sup> day of October 2005 to the following:

Ms Adrienne E. Vining\*  
Ms. Jennifer Rodan  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

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Ms. Susan Ritenour  
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Post Office Box 12950  
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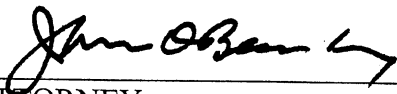
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Major Craig Paulson  
AFCESA/ULT  
139 Barnes Drive  
Tyndall Air Force Base, FL 32403

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

  
\_\_\_\_\_  
ATTORNEY

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**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED  
PORTIONS OF TAMPA ELECTRIC'S LATE-FILED EXHIBIT  
OF JOANN T. WEHLE**

<b><u>Late-Filed Exhibit</u></b>	<b><u>Page No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
2	Page 2 of 2	All Highlighted Information In the "Commodity" and "Transportation" columns	(1)

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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 information in question would disclose to potential suppliers of natural gas and natural gas transportation Tampa Electric's current and projected price forecasts. Since natural gas purchases and natural gas transportation are procured by Tampa Electric through negotiated contracts, these forecasts would provide an advantage to current and prospective suppliers of natural gas and natural gas transportation in the form of valuable information on the company's views regarding the direction of the market. This would enable potential suppliers to negotiate the higher price for natural gas and natural gas transportation services than they might otherwise negotiate with Tampa Electric. This would work to the detriment of Tampa Electric and its customers by causing an increase in the prices for natural gas and natural gas transportation services Tampa Electric might otherwise be able to negotiate.

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