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Public Service Commission

M-E-M-O-R-A-N-D-U-M

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OCT 28 PM 4: 07

RECEIVED-PPSC

DATE: October 14, 2005

TO: _____ OFFICE OF THE GENERAL COUNSEL
_____ DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
XX DIVISION OF ECONOMIC REGULATION
_____ DIVISION OF REGULATORY COMPLIANCE
& CONSUMER ASSISTANCE

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 09861-05

DESCRIPTION: TECO (Beasley) - (CONFIDENTIAL) Portions of answers to
OPC's 2nd set of interrogatories (Nos. 11, 13, 14, and 15).

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC 1
- DTH locked

SOURCE: Tampa Electric Company

DOCKET NO(S): 050001-EI

The above material was received with a filing of a request for confidential classification and motion for protective order. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

RECEIVED & FILED

Dem

DOCUMENT NUMBER - DATE

10465 OCT 28 05

Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company * to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities; *
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure. *
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: Bernard Windham

Date: 10-27-05

cc: GCL FLL
 CMP CCA
 ECR RCA
 MMS

PSC/CCA 15 (Rev 05/04)

* with the exception of Delivered Price amounts in responses to Interrogatories 13, 14, 15. see Memo.

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: October 24, 2005
TO: Jennifer A. Rodan, Attorney, Office of the General Counsel
FROM: Bernard M. Windham^{BU},^{WJM} Engineering Specialist III, Division of Economic Regulation
RE: Re: Confidentiality of Document No. 09861-05 in Docket No. 050001-EI

The Delivered Price amounts appearing in TECO's response to Interrogatory Nos. 13, 14, and 15 do not qualify as confidential information. The Commission has not in general considered delivered price amounts confidential since the delivered price of all fuel purchases are disclosed as a matter of practice on both FERC 423 forms and FPSC 423 forms. The delivered price amounts do not disclose either the commodity bid price or the transportation amount. The delivered price amounts shown in these responses are however not the delivered price amounts reported by Tampa Electric Company in the FPSC 423 forms for the months listed. The intent of the FPSC 423 forms was to report the commodity price and transportation prices approved by the Commission for recovery in the fuel clause. However unlike other utilities, TECO reports contractual amounts rather than the amounts approved by the Commission for recovery in the fuel clause in Docket 031033-EI. Thus at the end of the year TEC must adjust the amount of transportation cost that has been booked in the FPSC 423 forms during the year to reflect the decision of the Commission in Docket 031033-EI. This requires adjusting the monthly delivered price amounts shown in the FPSC 423 forms to match the amounts shown in Interrogatory responses 13, 14, and 15. The delivered price amounts shown in this document are like the delivered price amounts shown by all other investor owned utilities in the FPSC 423 forms that have not been considered confidential by the Commission.

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

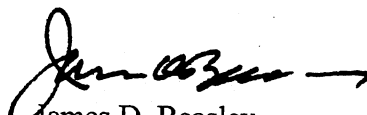
Dear Ms. Bayo:

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.)

05 OCT 14 PM 2:54
EDUCATION REGULATION

DOCUMENT NUMBER-DATE

00000 000 10 10

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 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 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
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0863

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

Mr. Gary V. Perko
Hopping Green & Sams P.A.
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Mr. John W. McWhirter, Jr.
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Ms. Patricia A. Christensen*
Associate Public Counsel
Office of Public Counsel
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Tallahassee, FL 32399-1400

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Mr. John T. Butler
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Tallahassee, FL 32301-1859

Mr. R. Wade Litchfield
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Juno Beach, FL 33408-0420

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Mr. Russell A. Badders
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Mr. Robert Scheffel Wright
Mr. John T. LaVia, III
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Mr. Mark Hoffman
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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
OPC'S SECOND SET OF INTERROGATORIES (NOS. 6-22)**

<u>Bates Stamp Page No.</u>	<u>Interrogatory No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
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.