

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

July 13, 2006

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance
Incentive Factor; FPSC Docket No. 060001-EI


Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Motion for Temporary Protective Order regarding Office of Public Counsel's request for copies of confidential documents.

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
Enclosures

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

DOCUMENT NUMBER-DATE

06142 JUL 13 06

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. 060001-EI
FILED: July 13, 2006

**TAMPA ELECTRIC COMPANY'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006(6)(c), Florida Administrative Code, hereby moves the Florida Public Service Commission for entry of a temporary protective order, and as grounds therefor, states:

1. On July 7, 2006 the Office of Public Counsel ("Public Counsel") requested copies of the confidential information listed on Exhibit A to this Motion. On July 10, 2006 OPC requested copies of all of the confidential documents listed on Exhibit A with the exception of Tampa Electric's confidential answers to Staff's First Request for Production of Documents Nos. 2 and 3. In addition, OPC requested a copy of confidential Form 423-1(a), 2, 2(a) and 2(b) for the month of October 2005.

2. Tampa Electric has copied and will provide the above-referenced confidential documents to OPC, but is in need of a temporary protective order exempting the information from Section 119.07(1), Florida Statutes.

3. Public disclosure of the confidential information referred to above concerns bids or other contractual data, the disclosure of which would impair the efforts of Tampa Electric or its affiliates to contract for goods or services on favorable terms. Such information also relates to competitive interests, the disclosure of which would impair the competitive business of the

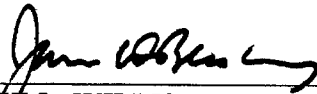
provider of the information. The information in question pertains to fuel, fuel procurement and risk management practices, all of which the Commission has determined on numerous occasions constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes.

4. Tampa Electric treats the above-described information as confidential proprietary business information and has not disclosed it publicly.

WHEREFORE, Tampa Electric Company moves the Commission for entry of a temporary protective order exempting the above-described confidential information from Section 119.07(1), Florida Statutes, while in the possession of OPC.

DATED this 13th day of July 2006.

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 Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 13th day of July 2006 to the following:

Ms. Jennifer A. Rodan*
Staff Attorney
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. John T. Burnett
Associate General Counsel
Progress Energy Service Co., LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042

Mr. Paul Lewis, Jr.
106 East College Avenue
Suite 800
Tallahassee, FL 32301-7740

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, III
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Mr. R. Wade Litchfield
Associate General Counsel
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. Robert Scheffel Wright
Mr. John T. LaVia, III
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, FL 32301

Karen S. White, Lt Col, USAF
Damund E. Williams, Capt., USAF
AFLSA/JACL-ULT
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403-5319

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

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



ATTORNEY

From: "CHRISTENSEN.PATTY" <CHRISTENSEN.PATTY@leg.state.fl.us>
To: "Jim Beasley" <jbeasley@ausley.com>
Date: 7/7/06 10:10AM
Subject: confidential information request - DNs 060001-07

Jim,

We would like to receive copies of the following confidential information. If you would prefer a more formal request, please let me know as soon as possible next week. Thanks.

05226-06 06/15/2006 TECO (Beasley) - (CONFIDENTIAL) Forms 423-1(a), 2, 2(a), and 2(b) for 4/06.

04220-06 05/15/2006 TECO (Beasley) - (CONFIDENTIAL) Forms 423-1(a), 2, 2(a), and 2(b) for 3/06.

03812-06 05/01/2006 TECO (Beasley) - Answers to staff's 1st request for PODs (Nos. 1-4). File Name File Size Download 56 Download DSL
* 03812-06.PDF 147 KB 25 sec 3 sec

03371-06 04/17/2006 TECO (Beasley) - (CONFIDENTIAL) Forms 423-1(a), 2, 2(a), and 2(b) for 2/06.

02977-06 04/03/2006 TECO (Beasley) - (CONFIDENTIAL) Certain highlighted information in 2005 Risk Management Report.

02974-06 04/03/2006 TECO (Beasley) - (CONFIDENTIAL) Certain highlighted information on page 5 in prepared direct testimony of Joann T. Wehle filed 4/1/06 [sic].

02233-06 03/15/2006 TECO (Beasley) - (CONFIDENTIAL) Forms 423-1(a), 2, 2(a), and 2(b) for 1/06.

01784-06 03/01/2006 TECO (Beasley) - (CONFIDENTIAL) Schedule A12, page 2 of 2 (Bates stamp page 213) for period January 2005 - December 2005.
[CCA note: Confidential document itself is numbered Page 1 of 1.]

01314-06 02/15/2006 TECO (Beasley) - (CONFIDENTIAL) Forms 423-1(a), 2, 2(a), and 2(b) for 12/05.

00427-06 01/17/2006 TECO (Beasley) - (CONFIDENTIAL) Certain highlighted information contained in portions of answers to staff's 9th set of interrogatories (Nos. 112, 113, 114, 115, and 117).

00423-06 01/17/2006 TECO (Beasley) - (CONFIDENTIAL) Forms 423-1(a), 2, 2(a), and 2(b) for 11/05.