## 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

August 8, 2006

### 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. 060001-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 of portions of the company's Schedule E12 for the period January 2006 through December 2006.

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.)

DOGUMENT NUMBER-DATE

07110 AUG-8 g

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased	)	
Power Cost Recovery Clause	)	
and Generating Performance	)	DOCKET NO. 060001-EI
Incentive Factor.	)	FILED: August 8, 2006
	)	

# TAMPA ELECTRIC COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION

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 Schedule E12, (Bates Stamp page 23) for the period January 2006 – December 2006. In support thereof, the company says:

- 1. A single copy of Schedule E12 (Bates Stamp page 23 Tampa Electric Company Capacity Costs Actual/Estimated for the Period January 2006 through December 2006) is being simultaneously filed with the Commission on a confidential basis. Bates Stamp page 23 contains certain information ("Confidential Information") highlighted in yellow.
- 2. 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)

- 3. 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)
- 4. 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. The Confidential Information shows estimated purchase amounts pursuant to confidential contracts negotiated by and between Tampa Electric Company and certain energy providers. As such, the information in question is information concerning bids or other contractual data the disclosure of which would impair the efforts of Tampa Electric to contract for goods and services on favorable terms. It is also information relating to competitive interests the disclosure of which would impair the competitive business of Tampa Electric.
- 5. Tampa Electric treats the Confidential Information as such and has not disclosed it publicly.

WHEREFORE, Tampa Electric Company respectfully requests that the highlighted Confidential Information contained in Schedule E12 (Bates stamp page 23), for the period January 2006 through December 2006 be afforded confidential classification for the reasons set forth above.

DATED this day of August 2006.

Respectfully submitted,

LE**E**L. WILLIS

JAMES D. BEASLEY

Ausley & McMullen

Post Office Box 391

Tallahassee, FL 32302

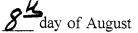
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential

Classification has been furnished by U. S. Mail or hand delivery (\*) on this **8** day of August



2006 to the following:

Ms. Lisa C. Bennett\* 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. Mark Hoffman Legal Department CSX Transportation 500 Water Street, 14<sup>th</sup> Floor Jacksonville, FL 32202 Mr. Michael B. Twomey Post Office Box 5256 Tallahassee, FL 32314-5256

ATTORNEY