

# 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

September 27, 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/bjd  
Enclosures

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

DOCUMENT NUMBER-DATE

08967 SEP 27 06

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery )  
Clause with Generating Performance Incentive ) DOCKET NO. 060001-EI  
Factor. ) FILED: September 27, 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, says:

1. On August 23, 2006 the Office of Public Counsel ("OPC") served Tampa Electric OPC's Second Request for Production of Documents (Nos. 2-9) the vast majority of the documents responsive to OPC's requests constitute proprietary confidential business information.

2. Tampa Electric has copied and will provide documents responsive to OPC's requests but is need of a Temporary Protective Order protecting the confidential portion of these documents from Section 119.07(1), Florida Statutes.

3. The confidential information included within the above-referenced document if disclosed publicly would impair the efforts of Tampa Electric to contract for goods and services on favorable terms. Such information relates to competitive interests, the disclosure of which would impair the competitive business of Tampa Electric. The Commission has determined on numerous occasions that this type of information constitutes proprietary confidential business information entitled to protection under Section 366.093, Florida Statutes.

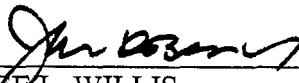
4. Tampa Electric also requests the entry of a Temporary Protective Order protecting the one-page answer the company is providing this date in response to OPC's Interrogatory No. 11, propounded and served on August 23, 2006. That confidential information is highlighted in yellow in the answer to Interrogatory No. 11 being furnished this date to OPC.

5. 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 portions of the company's responses to OPC's Second Request for Production of Documents (Nos. 2-9) and the company's answer to OPC's Interrogatory No. 11 from Section 119.07(1), Florida Statutes, while in the possession of OPC.

DATED this 27<sup>th</sup> day of September, 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 27<sup>th</sup> day of September, 2006 to the following:

Ms. Lisa 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, Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

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

  
\_\_\_\_\_  
ATTORNEY