

# AUSLEY & McMULLEN

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080436

January 22, 2008

HAND DELIVERED

RECEIVED-FPSC  
08 JAN 22 PM 3:29  
COMMISSION  
CLERK

Ms. Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: UNDOCKETED: Review of IOU's Fuel and Purchased Power Hedging Programs

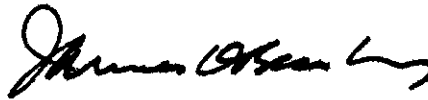
Dear Ms. Cole:

Enclosed for filing in the above-styled docket matter are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification of portions of its responses to Staff's First Data Request (Nos. 1-14).

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

- CMP
- COM
- CTR
- ECR JDB/pp
- GCL Enclosures
- OPC ee: Tripp Coston
- RCA Lisa S. Harvey, Chief
- SCR Bureau of Performance Analysis
- SGA
- SEC
- OTH *Leont records*

*Confidential*  
DOCUMENT NUMBER-DATE  
00535 JAN 22 08  
FPSC-COMMISSION CLERK

This request for confidentiality was filed by or on behalf of a telecommunications company for undocketed Confidential Document No. 00535-08. No ruling is required unless the material is subject to a request per 119.07, FS. Your division director must obtain written permission from the EXD/Tech for you to access the confidential material.

*Request*  
DOCUMENT NUMBER-DATE  
00534 JAN 22 08  
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of IOU's Fuel and )  
Purchased Power Hedging Programs. )  
 )  
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UNDOCKETED  
FILED: January 22, 2008

**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 the highlighted information contained on Bates stamp pages 128-770, 773 and 774-777 of the company's responses to Staff's First Data Request (Nos. 1-14) filed this date on a confidential basis in the above undocketed matter. In support of its request, Tampa Electric states as follows:

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), Florida Statutes [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), Florida Statutes. 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), Florida Statutes. The designated portions of the above-referenced data request responses, all printed on yellow paper stock or highlighted in yellow and stamped "CONFIDENTIAL", fall within the statutory

DOCUMENT NUMBER-DATE

00534 JAN 22 08

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categories and, thus, constitute propriety confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

2. Attached hereto as Exhibit "A" is a justification for confidential treatment of the highlighted portions of Tampa Electric's responses to Staff's First Data Request Nos. 1-14.

3. The information contained in the referenced pages of the company's data request responses is intended to be and is treated by Tampa Electric as private and has not been publicly disclosed.

**Requested Duration of Confidential Classification**

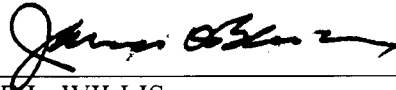
4. Tampa Electric requests that the confidential information that is the subject of this request be treated by the Commission as confidential proprietary business information for a minimum of three years. The data in question provides detailed strategies, many of which are of a continuing nature and which could well be in place beyond the standard 18 month period that confidential information is treated as such by the Commission. The various risk management strategy components build upon each other and disclosing the company's basic plan sooner than three years after it is submitted would arm would-be suppliers of goods and services, as well as competitors of Tampa Electric, with the bulk of the company's risk management strategies. A minimum of three years is essential to prevent those entities in the fuel and purchased power markets from having access to information they could use to the competitive disadvantage of Tampa Electric, which would increase the fuel and purchased power costs borne by Tampa Electric's customers.

WHEREFORE, Tampa Electric respectfully requests that the information printed on yellow paper stock and set forth on Bates stamp pages 128-770, and the highlighted amounts on

Bates pages 773 and 774-777 be accorded confidential classification for the reasons set forth above.

DATED this 22<sup>nd</sup> day of January 2008.

Respectfully submitted,



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LEE L. WILLIS  
JAMES D. BEASLEY  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, Florida 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED  
PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO STAFF'S FIRST  
DATA REQUEST (NOS. 1-14) (FILED JANUARY 22, 2008)**

<u>Data Request No.</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
10b	128-770	All of the Information on the Listed Pages	(1)
12a	773	The Highlighted Amounts	(1)
12b	774-777	The Highlighted Amounts	(2)

- 
- (1) The information contained on the listed pages contains specific fuel and purchased power hedging strategy, pricing and volume. This type of information on a commodity have been recognized by the Commission on numerous occasions to constitute proprietary confidential business information the disclosure of which would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms and, likewise, harmful to the competitive interests of Tampa Electric and its affiliates. This is the specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law.
- (2) The information contained on the listed pages discloses a detailed split of Tampa Electric's coal procurement strategy during the period (2006-2007). Inasmuch as the company has not already contracted for all of its expected coal needs for future periods, public disclosure of this information would harm the company's negotiating position in its attempts to purchase coal at the most economic rate. Consequently, this information, as well, is entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

STATE OF FLORIDA

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: January 22, 2008

TO: Beasley, Ausley & McMullen

FROM: M. Sanders, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number Undocketed or, if filed in an undocketed matter, concerning Responses to staff's 1st data request Nos. 1-14, and filed on behalf of Tampa Electric Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER-DATE  
00535 JAN 22 08  
FPSC-COMMISSION CLERK

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