

AUSLEY & McMULLEN

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TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

March 3, 2008

HAND DELIVERED

**REDACTED**

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

RECEIVED-FPSC  
08 MAR -3 PM 2:23  
COMMISSION CLERK

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor; FPSC Docket No. 080001-EI

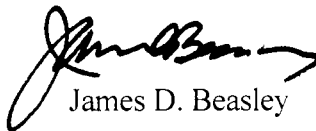
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification and Motion for a Temporary Protective Order of portions of its answers to the Florida Public Service Commission Staff's First Set of Interrogatories Nos. 1 and 5.

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 3 JDB/pp

GCL 3 Enclosure

OPC \_\_\_\_\_ cc: All Parties of Record (w/enc.)

RCA \_\_\_\_\_

SCR \_\_\_\_\_

SGA \_\_\_\_\_

SEC \_\_\_\_\_

OTH 1 conf  
Records

DOCUMENT NUMBER-DATE

01556 MAR-3 8

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. 080001-EI  
FILED: March 3, 2008

**REQUEST FOR CONFIDENTIAL CLASSIFICATION  
AND MOTION FOR A TEMPORARY 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 Florida Public Service Commission Staff’s First Set of Interrogatories (Nos.1 and 5) and as grounds therefore, says:

1. The confidential information in question appears on Bates stamp pages 1 and 5 of the company’s answer to Staff’s First Set of Interrogatories (Nos. 1 and 5) (referred to as the “Confidential Information”). A single yellow highlighted copy of Bates stamp pages 1 and 5 containing the Confidential Information are being separately filed with the Commission this date. Attached hereto are two public redacted versions of the pages in question with the Confidential Information removed.

2. This request is also intended to serve as a request for a temporary 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 it is in the possession of the Office of Public Counsel.

DOCUMENT NUMBER-DATE

01556 MAR-3 8

FPSC-COMMISSION CLERK

3. Attached hereto as Exhibit "A" is a justification for designating the confidential information proprietary confidential business information under the above-referenced statute and rule.

4. 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)

5. 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)

6. 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.

7. 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.

WHEREFORE, Tampa Electric respectfully requests that the highlighted Confidential Information set forth in its Answers to Staff's First Set of Interrogatories (Nos. 1 and 5) be accorded confidential classification and protection from public disclosure and the subject of a temporary protective order for the reasons set forth above.

DATED this 3<sup>rd</sup> day of March 2008.

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 and correct copy of the foregoing Request for Confidential Classification and Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 3<sup>rd</sup> day of March 2008 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  
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Tallahassee, FL 32301-7740

Mr. John W. McWhirter, Jr.  
McWhirter, Reeves & Davidson, P.A.  
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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, P.A.  
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Tallahassee, FL 32317

Mr. Mehrdad Khojasteh  
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. Wade Litchfield  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

Ms. Susan Ritenour  
Secretary and Treasurer  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

Mr. Jeffrey A. Stone  
Mr. Russell A. Badders  
Mr. Steven R. Griffin  
Beggs & Lane  
Post Office Box 12950  
Pensacola, FL 32591-2950

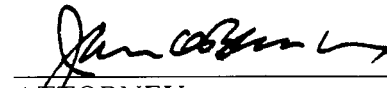
Mr. Robert Scheffel Wright  
Mr. John T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301

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

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

Ms. Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

Mr. James W. Brew  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, D.C. 20007-5201

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO STAFF'S FIRST SET OF INTERROGATORIES (NOS. 1-10) (FILED MARCH 3, 2008)**

<u>Interrogatory No.</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
1	1	The Highlighted Information	(1)
5	5	The Highlighted Information	(1)

- 
- (1) The information listed in the interrogatory response reveals the identity of bidders that submitted proposals in response to Tampa Electric's RFP. Since the RFP activities are presently on going, public disclosure of this information would harm the company's negotiating position in its attempts to purchase fuel commodities at the most economic rate. The disclosure of this information would therefore be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes and Rule 25-22.006, Florida Administrative Code.

Exhibit "A"

DOCUMENT NUMBER-DATE

01556 MAR-3 08

FPSC-COMMISSION CLERK

1. For each Request for Proposal for coal issued in 2007 by Tampa Electric Company (TECO), list the bids received. Include the supplier, tonnage bid, coal quality, and delivered price information, as well as the method and route of delivery.
- A. Bid Solicitation Gen-2008-01 was issued in 2007. The suppliers and number of bids submitted are shown below. Tons, coal quality, delivery and price information are provided in Tampa Electric's response to Staff's First Request for Production of Documents, No. 2.

Gen-2008-01 Coal Bid Solicitation

[REDACTED] (2)  
[REDACTED] (2)  
[REDACTED] (1)  
[REDACTED] (5)  
[REDACTED] (1)  
[REDACTED] (2)  
[REDACTED] (1)

[REDACTED] (1)  
[REDACTED] (2)  
[REDACTED] (3)  
[REDACTED] (1)  
[REDACTED] (1)  
[REDACTED] (1)  
[REDACTED] (1)

Gen-2009-01 Coal Bid Solicitation

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] (2)

[REDACTED]  
[REDACTED]  
[REDACTED] (2)  
[REDACTED]

Bid Solicitation Gen-2009-01 was issued in December 2007, and Tampa Electric is currently evaluating bids. Tampa Electric will provide the requested information once the evaluation is completed and supply contracts have been negotiated.



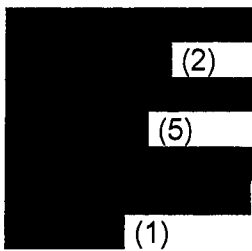
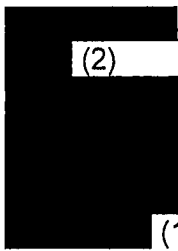


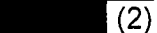
- 5. For each Request for Proposal for natural gas issued in 2007 by TECO, list the bids received.
  
- A. Tampa Electric issued one Request for Proposals for natural gas in 2007, and the bidders and their respective bid packages are listed below. Also see Tampa Electric's response to Staff's First Request for Production of Documents, No. 4.

Gas Supply October 2007


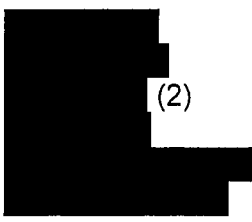
[REDACTED]	(3)	[REDACTED]	(2)
[REDACTED]	(8)	[REDACTED]	(10)
[REDACTED]	(14)	[REDACTED]	(2)
[REDACTED]	(2)	[REDACTED]	(40)
[REDACTED]	(11)	[REDACTED]	(31)
[REDACTED]	(8)	[REDACTED]	(1)
[REDACTED]	(4)	[REDACTED]	(15)
[REDACTED]	(11)	[REDACTED]	(4)
[REDACTED]	(16)	[REDACTED]	(14)
[REDACTED]	(4)	[REDACTED]	(2)
[REDACTED]	(4)	[REDACTED]	(5)
[REDACTED]	(11)	[REDACTED]	(14)
[REDACTED]	(7)	[REDACTED]	(3)
[REDACTED]	(12)	[REDACTED]	(33)
[REDACTED]	(5)	[REDACTED]	(1)

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Gen-2008-01 Coal Bid Solicitation

 (2)	 (1)
(2)	(2)
 (1)	(3)
(5)	(1)
 (1)	(1)
 (2)	(1)
(1)	(1)

Gen-2009-01 Coal Bid Solicitation

 (2)	 (2)
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[REDACTED]	(14)	[REDACTED]	(2)
[REDACTED]	(2)	[REDACTED]	(40)
[REDACTED]	(11)	[REDACTED]	(31)
[REDACTED]	(8)	[REDACTED]	(1)
[REDACTED]	(4)	[REDACTED]	(15)
[REDACTED]	(11)	[REDACTED]	(4)
[REDACTED]	(16)	[REDACTED]	(14)
[REDACTED]	(4)	[REDACTED]	(2)
[REDACTED]	(4)	[REDACTED]	(5)
[REDACTED]	(11)	[REDACTED]	(14)
[REDACTED]	(7)	[REDACTED]	(3)
[REDACTED]	(12)	[REDACTED]	(33)
[REDACTED]	(5)	[REDACTED]	(1)

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

STATE OF FLORIDA



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

**CONFIDENTIAL**

**Public Service Commission**

**ACKNOWLEDGEMENT**

DATE: March 3, 2008

TO: James D. Beasley/Ausley

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080001-EI or, if filed in an undocketed matter, concerning answers to staff's 1<sup>st</sup> set of interrogatories, Nos. 1 and 5, 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  
**01557 MAR-38**  
FPSC-COMMISSION CLERK

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