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March 3, 2008

HAND DELIVERED

RECEIVED-FPSC
08 MAR -3 PM 2:20
COMMISSION
CLERK

Ms. Ann Cole, Director
Division of Commission Clerk
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. 080001-EI

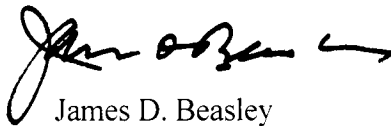
Dear Ms. Cole:

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
Production of Documents Nos. 2 and 4.

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

GCL 3 JDB/pp

OPC _____ Enclosure

RCA _____ cc: All Parties of Record (w/enc.)

SCR _____

SGA _____

SEC _____

OTH 1 conf
records

DOCUMENT NUMBER-DATE

01560 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) DOCKET NO. 080001-EI
Factor.) 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 Request for Production of Documents (Nos. 2 and 4) and as grounds therefore, says:

1. The confidential information in question appears on Bates stamp pages 31-35 and 45-74 of the company’s answer to Staff’s First Production of Documents (Nos. 2 and 4) (referred to as the “Confidential Information”). Single yellow highlighted copies each of Bates stamp pages 31-35 and 45-74 containing the Confidential Information are being separately filed with the Commission this date. Attached hereto are two public redacted versions of each 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

01560 MAR-3 8

FPSC-COMMISSION CLERK

3. Attached here 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)

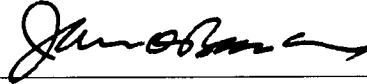
6. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

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 Production of Documents (Nos. 2 and 4) 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 3rd 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 3rd 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
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Secretary and Treasurer
Gulf Power Company
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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

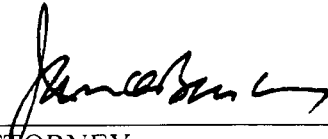
Mr. Robert Scheffel Wright
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Tyndall Air Force Base, FL 32403-5319

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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 REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-8) (FILED MARCH 3, 2008)

<u>Data Request No.</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
2	31 - 35	The Highlighted Information	(1)
4	45 - 74	The Highlighted Information	(2)

-
- (1) The information contained on the listed pages reveals the identity of bidders that submitted proposals in response to Tampa Electric's RFP. Additionally, the information discloses Tampa Electric Company's anticipated coal prices and contracted quantities, by supplier. 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 coal 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.

 - (2) The information discloses in detail, Tampa Electric Company's anticipated natural prices and contracted quantities, by supplier. 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 natural gas at the most economic rate. Commodity rates have been recognized by the Commission on numerous occasions to constitute proprietary confidential business information and the disclosure of which would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms. As such, this information is entitled to confidential protection pursuant to 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

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 certain information in portions of its answers to staff's 1st request for PODs, Nos. 2 and 4, 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
01561 MAR-3-08
FPSC-COMMISSION CLERK

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