

# AUSLEY & McMULLEN

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April 3, 2008

HAND DELIVERED

RECEIVED-FPSC  
08 APR -3 AM 11:47  
COMMISSION  
CLERK

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

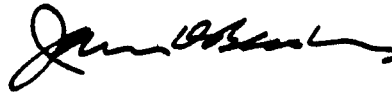
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification of certain highlighted information contained in the Prepared Direct Testimony of Joann T. Wehle.

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 2 Enclosure

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

RCA \_\_\_\_\_

SCR \_\_\_\_\_

SGA \_\_\_\_\_

SEC \_\_\_\_\_

OTH 1 copy  
records

DOCUMENT NUMBER-DATE

02582 APR-3 08

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: April 3, 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 certain highlighted information contained in the Prepared Direct Testimony of Joann T. Wehle filed in this proceeding on April 3, 2008 (the "Confidential Information"). Attached hereto as Exhibit "A" is a justification for designating the Confidential Information proprietary confidential business information under the above-referenced statute and rule.

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) [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)

2. 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)

DOCUMENT NUMBER-DATE  
02582 APR-3 8  
FPSC-COMMISSION

3. 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.

4. 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.

5. The request for confidential classification is intended to serve as Tampa Electric's motion for a protective order pursuant to Rule 25-22.006(6), Florida Administrative Code.

WHEREFORE, Tampa Electric respectfully requests that the highlighted portions of the Confidential Information contained in the Prepared Direct Testimony of Joann T. Wehle be accorded confidential classification for the reasons set forth above.

DATED this 3<sup>rd</sup> day of April 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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Request for Confidential Classification, 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 April 2008 to the following:

Ms. Lisa Bennett\*  
Staff Attorney  
Office of the General Counsel  
Florida Public Service Commission  
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Mr. John T. Burnett  
Associate General Counsel  
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Office of Public Counsel  
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Juno Beach, FL 33408-0420

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Gulf Power Company  
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Mr. Russell A. Badders  
Mr. Steven R. Griffin  
Beggs & Lane  
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Tallahassee, FL 32314-5256

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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 CONFIDENTIAL INFORMATION CONTAINED IN THE  
PREPARED DIRECT TESTIMONY OF JOANN T. WEHLE  
(FILED APRIL 3, 2008)**

<u>Testimony Page No.</u>	<u>Description</u>	<u>Rationale</u>
Page 6, line 12	The Highlighted Number	(1)

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- (1) This number shows the percentage of Tampa Electric's natural gas usage that was protected from price volatility as a result of the natural gas hedging activities the company engaged in. Disclosure of this information would afford natural gas suppliers, brokers and hedging counterparties with inside information on Tampa Electric's hedging strategies and prioritizations. This could adversely impact Tampa Electric and its hedging activities and negotiations relating thereto. Consequently, this competitively sensitive information is confidential proprietary business information protected 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: April 3, 2008

TO: Beasley/Ausley Law Firm

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 080001-EI or, if filed in an undocketed matter, concerning Direct testimony Joann Wehle, and filed on behalf of Teco. 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  
02583 APR -3 08  
FPSC-COMMISSION CLERK

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)