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June 23, 2008

HAND DELIVERED

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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

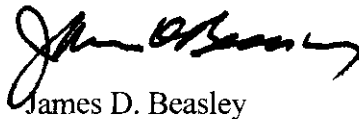
Dear Ms. Cole:

Enclosed for filing in the above-styled matter are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification regarding its responses to Staff's Second Data Requests (Nos. 1-3).

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/pp  
Enclosure

[CLK note: confidential  
DNS not filed w/ Clerk's  
Office as of this date.]  
N/m

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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: June 23, 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 1, 2, 6, 10-1360 and 1361 of the company's responses to Staff's Second Data Request (Nos. 1-3) provided to the Commission's Staff in diskette form on April 14, 2008 under a Notice of Intent to request confidential treatment. In support of its request, Tampa Electric states as follows:

1. On April 14, 2008, Tampa Electric provided the Commission's Staff a diskette containing the company's responses to Staff's Second Data Request (Nos. 1-3) in connection with the Staff's audit of the fuel and purchased power hedging programs of the investor-owned electric utilities in this undocketed matter. The diskette was provided under a written notice of intent to seek confidential treatment of portions of the information contained in the diskette. This request for confidential treatment follows up the June 5, 2008 audit exit conference that commenced the 21-day period for making such a request.

2. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be propriety 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

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FPSC-COMMISSION CLERK

“[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, namely, the portions of pages 1, 2, 6 and 1361 highlighted in yellow and stamped "CONFIDENTIAL" and all the information on pages 10 through 1360, not highlighted but stamped "CONFIDENTIAL", contained on the above-referenced diskette fall within the statutory 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.

3. Attached hereto as Exhibit "A" is a justification for confidential treatment of the above-referenced confidential portions of Tampa Electric's responses to Staff's Second Data Request Nos. 1-3.

4. 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**

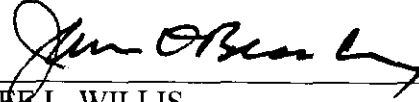
5. Tampa Electric requests that the confidential information that is the subject of this request be treated by the Commission as confidential proprietary business information for a minimum of three years. The information in question contains specific fuel volumes and transaction quantities – key components of the company's risk management strategy. Disclosing the various risk management strategy components sooner than three years after it is submitted

would harm would be suppliers of goods and services as well as competitors of Tampa Electric. 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. The information in question also includes credit terms, the disclosure of which could adversely impact Tampa Electric's competitive interests for periods much beyond the standard 18 month period that confidential information is protected from public disclosure. The information also contains negotiated rates of Tampa Electric's consultants. The disclosure of that information as soon as 18 months after it is submitted could severely harm the company's consultants in future rate negotiations without providing any commensurate off-setting public benefit and could adversely affect Tampa Electric's ability to rely upon those consultants for assistance in the future.

WHEREFORE, Tampa Electric respectfully requests that the yellow highlighted information set forth on Bates stamp pages 1, 2, 6 and 1361, and all of the information contained on pages 10-1360 of the CD provided to the Commission's audit Staff on April 14, 2008 be accorded confidential classification and protected from public disclosure for the reasons set forth above.

DATED this 23<sup>rd</sup> day of June 2008.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED  
PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO STAFF'S  
SECOND DATA REQUEST (NOS. 1-13) (FILED APRIL 14, 2008)**

<u>Data Request</u>	<u>Bates Page</u>		
<u>No.</u>	<u>Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
1	1	The Highlighted Information	(1)
2	2	The Highlighted Information	(2)
6	6	The Highlighted Information	(3)
9	10-1360	All of the Information on the Listed Pages	(4)
10	1361	The Highlighted Information	(5)

- (1) The information contained on the listed page shows the specific percentages of fuel purchased by contract type. 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, be harmful to the competitive interests of Tampa Electric. 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 includes Tampa Electric's credit profile from rating agencies as well as extended credit limits from trading companies. The disclosure of the credit terms could cause other trading entities to modify existing or potential future terms of any agreements. As such, public disclosure of the information would adversely affect the competitive interests of Tampa Electric and its ability to contract for goods and services on favorable terms. 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.
- (3) The information contained on the listed pages contains the proprietary negotiated rates of Tampa Electric's consultants. The disclosure of this information would allow other parties to compare their negotiated rates and could adversely influence the consultant's efforts to market the information. The information relates to competitive interests, and the disclosure of which would impair the consultant's competitive business interests by diminishing the demand for their proprietary work product. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), Florida Statutes.
- (4) The information contained on the listed pages includes Tampa Electric's extended credit limits from trading companies. The disclosure of the credit terms could cause other trading entities to modify existing or potential future terms of any agreements. As such, public disclosure of the information would adversely affect the competitive interests of Tampa Electric and its ability to contract for goods and services on favorable terms. 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.

- (5) The information contained on the listed page contains specific fuel volumes and transaction quantities. This type of information on a commodity 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 and, likewise, be harmful to the competitive interests of Tampa Electric. 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.