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November 14, 2008

HAND DELIVERED

RECEIVED-FPSC
08 NOV 14 PM 3:52
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

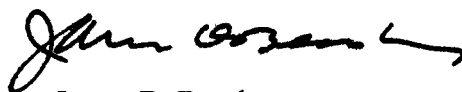
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa
Electric Company's Request for Confidential Classification and Motion for Temporary
Protective Order relating to negotiated contracts.

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

COM _ Enclosure

ECR _

GCL 2 cc: All Parties of Record (w/enc.)

OPC _

RCP _

SSC _

SGA _

ADM _

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DOCUMENT NUMBER-DATE

10640 NOV 14 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased)
Power Cost Recovery Clause)
and Generating Performance)
Incentive Factor.)
_____)

DOCKET NO. 080001-EI

FILED: November 14, 2008

**TAMPA ELECTRIC COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR 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 request confidential classification of the yellow highlighted information contained in the following described document(s) ("the Document(s)") stamped "CONFIDENTIAL" and all information that is or may be printed on yellow paper stock stamped "CONFIDENTIAL" within the Document(s), all of said confidential information being hereinafter referred to as "Confidential Information."

Description of the Document(s)

- Solid Fuel Transportation Contract Between Tampa Electric Company and CSX Transportation, Inc. (Oct. 1, 2008)
- AEP MEMCO LLC Contract (Draft)
- CSX Transportation Contract (Draft)
- Coal Purchase Agreement Contract No. Warrior-06LT1-09
- Tampa Electric Company Transportation Bid Evaluation Memo
- MT 4.0 Solid Fuel Transportation RFP – 2009, TBS North America Liner (Ocean Services)
- MT 4.0 Solid Fuel Transportation RFP – 2009, CSX Transportation (Railroads)

DOCUMENT NO. DATE

10640-08 11/14/08
FPSC - COMMISSION CLERK

- MT 4.0 Solid Fuel Transportation RFP – 2009, American Commercial Lines (ACL) (River Barge)
- Coal Purchase Agreement Contract No. Knight Hawk – 2009 LT2-09
- Coal Purchase Agreement Contract No. Knight Hawk – 2009 LT1-09
- MT 4.0 Solid Fuel Transportation RFP – 2009, Moran Towing (Ocean Services)
- MT 4.0 Solid Fuel Transportation RFP – 2009, Express Marine (Ocean Services)
- MT 4.0 Solid Fuel Transportation RFP – 2009, Kinder Morgan Bulk Terminal (Terminals/Midstreaming)
- MT 4.0 Solid Fuel Transportation RFP – 2009, St. James Stevedoring Company LLC (Terminals/Midstreaming)
- MT 4.0 Solid Fuel Transportation RFP – 2009, BNSF Railway (Railroads)
- MT 4.0 Solid Fuel Transportation RFP – 2009, AEP Memco (River Barge)
- MT 4.0 Solid Fuel Transportation RFP – 2009, United Maritime (Integrated)
- MT 4.0 Solid Fuel Transportation RFP – 2009, Ingram Barge (River Barge)
- United Maritime Group Contract
- MT 4.0 Solid Fuel Transportation RFP – 2009, Enterprise Ship Co. (Ocean Services)

In support of this request, the company states:

1. 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 “[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 Confidential Information that is the subject of this request and motion falls within the statutory categories and, thus, constitutes proprietary 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 Confidential Information contained in the Document(s).

3. Attached hereto as Exhibit "B" are two public versions of the Document(s) with the Confidential Information redacted, unless previously filed as indicated.

4. The Confidential Information contained in the Document(s) is intended to be and is treated by Tampa Electric as private and has not been publicly disclosed except for the limited inadvertent discovery production of information relating to one listed item.

5. For the same reasons set forth herein in support of its request for confidential classification, Tampa Electric also moves the Commission for entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

Requested Duration of Confidential Classification

6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the company is in need of confidential classification of the Confidential Information beyond the 18 month period set forth in the Commission rule, the justification and grounds for such extended confidential treatment are set forth in Exhibit "C" to this request and motion.

WHEREFORE, Tampa Electric Company respectfully requests that the Confidential Information that is the subject of this request and motion be accorded confidential classification for the reasons set forth herein and for a minimum period of 18 months, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion. The company further moves for the entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

DATED this 14th day of November, 2008.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
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(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 served by hand delivery (*) or U. S. Mail on this 14th day of November, 2008 to the following:

Ms. Lisa C. Bennett*
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Mr. Jeffrey A. Stone
Mr. Russell A. Badders
Mr. Steven R. Griffin
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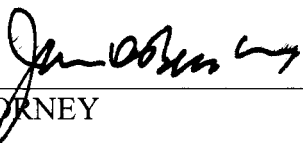
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139 Barnes Drive, Suite 1
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Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050

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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 THE DOCUMENT(S)**

<u>Document Description</u>	<u>No. of Pages</u>	<u>Detailed Description</u>	<u>Rationale</u>
Solid Fuel Transportation Contract between Tampa Electric Company and CSX Transportation, Inc. (Oct. 1. 2008)	56	All information Printed on Yellow Paper Stock	(2)
AEP MEMCO LLC Contract (Draft)	67	All information Printed on Yellow Paper Stock	(2)
CSX Transportation Contract (Draft)	54	All information Printed on Yellow Paper Stock	(2)
Coal Purchase Agreement Contract No. Warrior-06LT1-09	43	All information Printed on Yellow Paper Stock	(2)
Tampa Electric Company Transportation Bid Evaluation Memo	8	All information Printed on Yellow Paper Stock	(3)
MT 4.0 Solid Fuel Transportation RFP – 2009, TBS North America Liner (Ocean Services)	8	All information Printed on Yellow Paper Stock	(1)
MT 4.0 Solid Fuel Transportation RFP – 2009, CSX Transportation (Railroads)	90	All information Printed on Yellow Paper Stock	(1)
MT 4.0 Solid Fuel Transportation RFP – 2009, American Commercial Lines (ACL) (River Barge)	12	All information Printed on Yellow Paper Stock	(1)
Coal Purchase Agreement Contract No. Knight Hawk – 2009 LT2-09	24	All information Printed on Yellow Paper Stock	(2)
Coal Purchase Agreement Contract No. Knight Hawk – 2009 LT1-09	25	All information Printed on Yellow Paper Stock	(2)
MT 4.0 Solid Fuel Transportation RFP – 2009, Moran Towing (Ocean Services)	2	All information Printed on Yellow Paper Stock	(1)
MT 4.0 Solid Fuel Transportation RFP – 2009, Express Marine (Ocean Services)	1	All information Printed on Yellow Paper Stock	(1)

MT 4.0 Solid Fuel Transportation RFP – 2009, Kinder Morgan Bulk Terminal (Terminals/Midstreaming)	28	All information Printed on Yellow Paper Stock	(1)
MT 4.0 Solid Fuel Transportation RFP – 2009, St. James Stevedoring Company LLC (Terminals/Midstreaming)	24	All information Printed on Yellow Paper Stock	(1)
MT 4.0 Solid Fuel Transportation RFP – 2009, BNSF Railway (Railroads)	2	All information Printed on Yellow Paper Stock	(1)
MT 4.0 Solid Fuel Transportation RFP – 2009, AEP Memco (River Barge)	26	All information Printed on Yellow Paper Stock	(1)
MT 4.0 Solid Fuel Transportation RFP – 2009, United Maritime (Integrated)	37	All information Printed on Yellow Paper Stock	(1)
MT 4.0 Solid Fuel Transportation RFP – 2009, Ingram Barge (River Barge)	5	All information Printed on Yellow Paper Stock	(1)
United Maritime Group Contract	167	All information Printed on Yellow Paper Stock	(2)
MT 4.0 Solid Fuel Transportation RFP – 2009, Enterprise Ship Co. (Ocean Services)	76	All information Printed on Yellow Paper Stock	(1)

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- (1) The information in question is proprietary, confidential bid information furnished by would-be suppliers of solid fuel transportation, transloading and storage services for Tampa Electric. The providers of the information in question compete against one another and others to provide these types of services. Disclosure of details regarding their bids would harm their competitive interests and would likely discourage them from submitting bids for similar work for Tampa Electric in the future, thereby adversely affecting Tampa Electric's ability to contract for goods and services on favorable terms. This would all be adverse to the interests of Tampa Electric's customers. Section 366.093(3), Florida Statutes, defines the types of information entitled to confidential protection and specifically includes, in subsections (3)(d) and (e), Florida Statutes, the following:

(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.

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

It follows that the information in question is specifically entitled by statute to confidential treatment and exemption from Section 119.07(1), Florida Statutes.

- (2) The information in question consists of negotiated contracts or drafts thereof for the provision of solid fuel transportation, transloading and/or storage services for Tampa Electric. The terms and conditions of these contracts and draft contracts, if made public would disclose contractual information that would be harmful to the counter-parties who would provide these services to Tampa Electric and would likely discourage them from negotiating future contracts for the provision of such services to Tampa Electric. Section 366.093(3), Florida Statutes, defines the types of information entitled to confidential protection and specifically includes, in subsections (3)(d) and (e), Florida Statutes, the following:

(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.

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

It follows that the information in question is specifically entitled by statute to confidential treatment and exemption from Section 119.07(1), Florida Statutes.

- (3) The information in question is a memorandum dated July 21, 2008 from Karen Bramley to Joann Wehle that evaluates the various bids submitted in response to Tampa Electric Company's transportation RFP. This document includes detailed information regarding the various bids submitted by bidders and discloses the same type of information addressed in rationale (1) above. Accordingly, this bid evaluation information is entitled to the same confidential protection as the bid information itself under rationale (1). It follows that the information in question is entitled to confidential treatment and exemption from Section 119.07(1), Florida Statutes.

PUBLIC VERSION(S) OF THE DOCUMENT(S)

Attached hereto (unless previously filed as may be noted below) are two public versions of the Document(s) with the Confidential Information redacted.

Public Version(s) of the Document(s) attached _____

Public Version(s) of the Document(s) previously filed on _____

Other: Owing to the fact that the confidential information appears throughout the documents in question, the documents are presented on yellow paper stock marked "CONFIDENTIAL" to highlight all of their content. This, together with the voluminous pages of the documents in question, would make redacted versions of no benefit. Notwithstanding this, a redacted copy can be made available on request.

REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION

Tampa Electric requests that the Confidential Information that is the subject of this request be treated as proprietary confidential business information exempt from the Public Records Law for a minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefor is set forth below:

n/a