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November 20, 2008

HAND-DELIVERED

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08 NOV 20 PM 3:54
COMMISSION
CLERK

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

Re: Petition for Rate Increase by Tampa Electric Company
FPSC Docket No.: 080317-EI

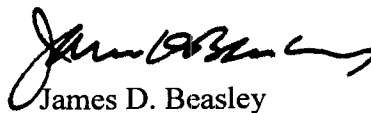
Dear Ms. Cole:

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.

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.

Yours truly,


James D. Beasley

JDB/ktm
Enclosure

cc: All Parties of Record (w/encl.)

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase)
by Tampa Electric Company.)
_____)

DOCKET NO. 080317-EI

FILED: November 20, 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)

Audit workpapers pursuant to Audit control No. 08-234-2-1 (Bates stamped pages 1-621). 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

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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.

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 20th day of November 2008.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
KENNETH R. HART
J. JEFFRY WAHLEN
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 served by hand delivery (*) or U. S. Mail on this 20th day of November, 2008 to the following:

Keino Young/Martha Brown*
Jennifer Brubaker/Jean Hartman
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

J. R. Kelly/Patricia A. Christensen
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

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

Vicki Gordon Kaufman*
Jon C. Moyle, Jr.
Anchors Smith Grimsley
118 North Gadsden Street
Tallahassee, FL 32301

John W. McWhirter, Jr.
McWhirter, Reeves & Davidson, P.A.
Post Office Box 3350
Tampa, FL 33601-3350

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



ATTORNEY

**JUSTIFICATIONS FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S DOCUMENTS SELECTED AS AUDIT
WORK PAPERS PURSUANT TO AUDIT CONTROL NO. 08-234-2-1**

<u>Work Papers:</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
Audit Request TEC-62-07, Request No. 1, Page 1 of 1 8 P1 through 8 P2	Amounts listed in column titled "Bonus Depreciation" of response to audit data request.	1	(1)
	<ul style="list-style-type: none"> ▪ Information in column titled "Comments" for meeting date 01/20/1999 ▪ Information in column titled "Comments" for meeting date 01/19/2000 ▪ Information in column titled "Comments" for meeting date 01/18/2001, first line ▪ Information in column titled "Comments" for meeting date 04/18/2001, fourth line ▪ Information in column titled "Comments" for meeting date 10/17/2001 ▪ Information in column titled "Comments" for meeting date 01/16/2002, first line ▪ Information in column titled "Comments" for meeting date 07/17/2002 ▪ Information in column titled "Comments" for meeting date 09/23/2002 ▪ Information in column titled "Comments" for meeting date 10/16/2002 ▪ Information in column titled "Comments" for meeting date 01/28/2003 ▪ Information in column titled "Comments" for meeting date 04/21/2003, first line ▪ Information in column titled "Comments" for meeting date 01/27/2004, first line ▪ Information in column titled "Comments" for meeting date 01/26/2005 ▪ Information in column titled "Comments" for meeting date 07/27/2005 ▪ Information in column titled "Comments" for meeting date 01/25/2006, first line ▪ Information in column titled "Comments" for meeting date 01/31/2007, first, fifth and sixth lines ▪ Information in column titled "Comments" for meeting date 08/01/2007 	2	(2)

<u>Work Papers:</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
	<ul style="list-style-type: none"> ▪ Information in column titled "Comments" for meeting date 10/18/07 ▪ Information in column titled "Comments" for meeting date 01/30/2008, first line 		
8-1 P4 through 8-1 P5	All information on pages	2	(2)
8-1 P12	First word of second paragraph through last word of seventh paragraph	1	(2)
9-1	Workpapers 9-1/1, 9-1/2 P1 through P5, and 9-1/3 P1 through P2	8	(3)
10-62 P2	Amounts listed in column titled "Bonus Depreciation" of response to audit data request.	1	(1)
33-5	All information on pages of workpapers 33-5 P1 through P36 (No longer seeking conf. status)	36	(4)
39-1 P1	<ul style="list-style-type: none"> ▪ In the audit request text, the information in column titled "MFR Sch – D2" and lines labeled "Non-Reg" and "El[i]minations" ▪ In the audit request, the \$ figure ▪ In the response, all information in column titled "Total Common Equity" 	1	(5)
39-1 P1	<ul style="list-style-type: none"> ▪ In the audit request text, the information in column titled "MFR Sch – D2" and lines labeled "Non-Reg" and "El[i]minations" ▪ In the audit request, the \$ figure ▪ In the response, the information in column titled "Total Common Equity" and lines labeled "TECO Finance," "TECO Investments," "TECO Guatemala," "TECO Oil & Gas," and "TECO Diversified" and the \$ total figure 	1	(5)
43-8/2-1	<p>Regarding P1 and P2:</p> <ul style="list-style-type: none"> ▪ Information in columns titled "annual" and "per month" for lines labeled "Plaza Lease Payment in 2007" and "Deferred Expense in 2007" ▪ In second box, information in lines labeled "Deferred Expense in 2007" and "Utility Deferred Expense (Jan '07)" <p>Regarding P3:</p> <ul style="list-style-type: none"> ▪ Table titled "Payment Terms," columns titled "Monthly Pmt," "Total," and "Annual" as well as \$ figures in line labels 	3	(6)
19-9A	Contract No. PK1 0797C, Tampa Electric Company and General Electric International, Inc., Polk Power Station Service Agreement	133	(7)

<u>Work Papers:</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
19-9B	Amended and Restated Contract No. PK 2-03-99, Tampa Electric Company and General Electric International, Inc., Polk Power Station Service Agreement Polk Units 2 and 3	137	(7)
19-9C	Contractual Services Agreement, Tampa Electric Company and General Electric International, Inc., Polk Power Station Service Agreement Polk Units 4 and 5	109	(7)
19-9D	Contractual Services Agreement, Tampa Electric Company and General Electric International, Inc., Bayside Power Station Service Agreement	171	(7)

- (1) The information in question if made public would disclose consolidated tax information thereby harming the competitive interests of Tampa Electric and its affiliates by disclosing the nature and expenses associated with their competitive operations and business strategy. This is information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information and thus it is entitled to confidential protection under Section 366.093(3)(e), Florida Statutes.
- (2) The information in question consists of Board of Director meeting minutes and summary of meeting minutes. This information is entitled to confidential protection because it contains forward looking information not made public, the disclosure of which could harm the competitive interests of the provider of the information and possibly trigger Securities and Exchange Commission reporting obligations. As such this information is protected under 366.093(3)(e), Florida Statutes.
- (3) The information in question consists of third party consultant work product, to-wit, PriceWaterhouseCoopers workpapers. Public disclosure of this information would harm the competitive interests of PriceWaterhouseCoopers by disclosing their audit procedures, techniques and methodologies. While the results of their audits are summarized in annual reports, the details of the workpapers are not and PriceWaterhouseCoopers has made clear that public disclosure of this information would harm its competitive interests. At the outset of The Staff audit in this proceeding PriceWaterhouseCoopers informed the Commission that its audit workpapers contained trade secrets and confidential commercial and financial information of both PriceWaterhouseCoopers and the audited companies that is privileged and confidential and expressly reserved all rights with respect to disclosure to third parties.
- (4) Hedging cancellation confirmations(no longer requesting conf. treatment)
- (5) The financial information in question consists of projected information about the capital structure of the affiliated and consolidated companies. If publicly disclosed, this information would harm the competitive interests of the provider of the information and would trigger Securities and Exchange Commission reporting obligations. As such, the information is protected under Section 366.093 (3)(e), Florida Statutes.
- (6) This information is proprietary third party, privately negotiated and proprietary contractual information regarding TECO Plaza lease payments. Public disclosure of this

information would harm the competitive interests of the owners of TECO Plaza and impair their competitive business. It would also have an adverse effect on Tampa Electric's ability to renegotiate these payments in the future. As such the information in question is entitled to confidential treatment under Section 366.093(3)(d) and (e), Florida Statutes.

- (7) The documents in question are Tampa Electric's service agreement contracts governing the operation of its generating units. The information in question concerns contractual data, the disclosure of which would impair Tampa Electric's future efforts to contract for goods and services on favorable terms. The information is also considered confidential by the other party to the contract, as it could be potentially affect its future ability to negotiate and contract with other companies on favorable terms. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093(3)(d) and (e), 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 _____

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

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: November 20, 2008

TO: James Beasley, Ausley Law Firm

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 080317 or, if filed in an undocketed matter, concerning Workpapers pursuant to Audit Control NO. 08-234-2-1(Bates stamped pages 1-621), and filed on behalf of Tampa Electric. 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
10837 NOV 20 08
FPSC - COMMISSION CLERK

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