

AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

REDACTED

December 10, 2008

HAND DELIVERED

RECEIVED-FPSC
08 DEC 10 PM 3:19
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 regarding response to FIPUG's Seventh Request for Production of Documents (No. 53).

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

- COM _____
- ECR** _____
- GCL 2 cc: All Parties of Record (w/enc.)
- OPC _____
- RCP _____
- SSC _____
- SGA _____
- ADM _____
- CLK 1

DOCUMENT NUMBER-DATE

11421 DEC 10 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 080317-EI

FILED: December 10, 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)

Certain information contained in Tampa Electric Company's response to FIPUG's Seventh Request for Production of Documents (No. 53) at Bates stamp page 19. 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."

DOCUMENT NUMBER-DATE

11421 DEC 10 8

FPSC-COMMISSION CLERK

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.

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 10th day of December 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 10th day of December 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

Cecilia Bradley
Office of the Attorney General
The Capitol – PL 01
Tallahassee, FL 32399-1050



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO
FIPUG'S SEVENTH PRODUCTION OF DOCUMENTS NO. 53**

<u>POD Request No.</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
53	19	All highlighted information	(1)

-
- (1) The Confidential Information shows estimated purchase amounts pursuant to confidential contracts negotiated by and between Tampa Electric Company and certain energy providers. As such, the information in question is information concerning bids or other contractual data the disclosure of which would impair the efforts of Tampa Electric to contract for goods and services on favorable terms. It is also information relating to competitive interests the disclosure of which would impair the competitive business of Tampa Electric. The Commission has recognized the need for confidential protection of this type of proprietary information. See, e.g., Order No. PSC-07-0105-EI, issued in Docket No. 070001-EI on February 6, 2007.

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 _____

**TAMPA ELECTRIC COMPANY
CAPACITY COSTS
ESTIMATED FOR THE PERIOD: JANUARY 2009 THROUGH DECEMBER 2009**

SCHEDULE E12

CONTRACT	TERM		CONTRACT TYPE
	START	END	
MCKAY BAY REFUSE	8/28/1982	7/31/2011	QF
ORANGE COGEN LP	4/17/1989	12/31/2015	QF
HILLSBOROUGH COUNTY	1/10/1985	3/1/2010	QF
HARDEE POWER PARTNERS	1/1/1993	12/31/2012	LT
SEMINOLE ELECTRIC	6/1/1992	**	LT
CALPINE	5/1/2006	4/30/2011	LT
RELIANT	1/1/2009	5/31/2012	LT
PASCO COGEN	1/1/2009	12/31/2018	LT

QF = QUALIFYING FACILITY
 LT = LONG TERM
 ST = SHORT TERM
 ** THREE YEAR NOTICE REQUIRED FOR TERMINATION.

CONTRACT	JANUARY MW	FEBRUARY MW	MARCH MW	APRIL MW	MAY MW	JUNE MW	JULY MW	AUGUST MW	SEPTEMBER MW	OCTOBER MW	NOVEMBER MW	DECEMBER MW
MCKAY BAY REFUSE	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0
HILLSBOROUGH COUNTY	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0
ORANGE COGEN LP	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0
HARDEE POWER PARTNERS	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0
SEMINOLE ELECTRIC	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1
CALPINE	170.0	170.0	170.0	170.0	170.0	170.0	170.0	170.0	170.0	170.0	170.0	170.0
RELIANT	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0
PASCO COGEN	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0

CAPACITY YEAR 2009	JANUARY (\$)	FEBRUARY (\$)	MARCH (\$)	APRIL (\$)	MAY (\$)	JUNE (\$)	JULY (\$)	AUGUST (\$)	SEPTEMBER (\$)	OCTOBER (\$)	NOVEMBER (\$)	DECEMBER (\$)	TOTAL (\$)
MCKAY BAY REFUSE	359,400	293,200	359,400	336,600	359,400	336,600	359,400	359,400	336,600	359,400	336,600	359,400	4,155,400
HILLSBOROUGH COUNTY	1,088,300	887,900	1,088,300	1,019,300	1,088,300	1,019,300	1,088,300	1,088,300	1,019,300	1,088,300	1,019,300	1,088,300	12,583,200
ORANGE COGEN LP	908,200	740,900	908,200	850,500	908,200	850,500	908,200	908,200	850,500	908,200	850,500	908,200	10,500,300
TOTAL COGENERATION	2,355,900	1,922,000	2,355,900	2,206,400	2,355,900	2,206,400	2,355,900	2,355,900	2,206,400	2,355,900	2,206,400	2,355,900	27,238,900

HARDEE POWER PARTNERS
 CALPINE - D
 RELIANT ENERGY SERVICES - D
 PASCO COGEN - D
 SUBTOTAL CAPACITY PURCHASES

SEMINOLE ELECTRIC - D
 VARIOUS MARKET BASED
 SUBTOTAL CAPACITY SALES

TOTAL PURCHASES AND (SALES)	4,063,823	4,063,323	4,083,573	4,081,823	4,059,273	4,052,473	4,051,923	4,052,823	4,054,323	4,081,273	4,055,073	4,059,323	48,699,428
TOTAL CAPACITY	\$6,419,723	\$6,986,323	\$6,419,473	\$6,288,223	\$6,418,173	\$6,288,873	\$6,407,823	\$6,408,823	\$6,280,723	\$6,417,173	\$6,282,073	\$6,418,223	\$78,938,328

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SEMINOLE ELECTRIC	6/1/1992	**	LT
CALPINE	5/1/2008	4/30/2011	LT
RELIANT	1/1/2009	5/31/2012	LT
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QF = QUALIFYING FACILITY
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HARDEE POWER PARTNERS	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0
SEMINOLE ELECTRIC	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1
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CAPACITY YEAR 2009	JANUARY (\$)	FEBRUARY (\$)	MARCH (\$)	APRIL (\$)	MAY (\$)	JUNE (\$)	JULY (\$)	AUGUST (\$)	SEPTEMBER (\$)	OCTOBER (\$)	NOVEMBER (\$)	DECEMBER (\$)	TOTAL (\$)
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TOTAL COGENERATION	2,355,900	1,922,000	2,355,900	2,206,400	2,355,900	2,206,400	2,355,900	2,355,900	2,206,400	2,355,900	2,206,400	2,355,900	27,238,900

HARDEE POWER PARTNERS
 CALPINE - D
 RELIANT ENERGY SERVICES - D
 PASCO COGEN - D
 SUBTOTAL CAPACITY PURCHASES
 SEMINOLE ELECTRIC - D
 VARIOUS MARKET BASED
 SUBTOTAL CAPACITY SALES



TOTAL PURCHASES AND (SALES)	4,063,823	4,063,323	4,063,573	4,061,823	4,059,273	4,052,473	4,051,923	4,052,623	4,054,323	4,061,273	4,055,873	4,059,323	48,699,426
TOTAL CAPACITY	\$8,419,723	\$8,986,323	\$8,419,473	\$8,268,223	\$8,416,173	\$8,268,873	\$8,407,823	\$8,408,623	\$8,268,723	\$8,417,173	\$8,282,073	\$8,416,223	\$76,938,326

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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 therefore is set forth below:

n/a

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: December 12, 2008

TO: James Beasley, Tampa Electric Company

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 information contained in response to FIPUG's 7th request for PODs, No. 53, 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.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

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FPSC-COMMISSION CLERK