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Public Service Commission

January 13, 2009

090001-EI

James D. Beasley
Ausley & McMullen
227 S. Calhoun St.
Tallahassee, FL 32301

RECEIVED-FPSC
09 JAN 14 AM 10:39
COMMISSION
CLERK

Re: Docket 080001-EI - Fuel and purchased power cost recovery clause with generating performance incentive factor.

April 25-2008, Request for confidential classification concerning a portion of the staff audit report and working papers prepared during the "Tampa Electric Company Fuel Adjustment Clause Audit for the Year ended December 31, 2007," Audit Control No. 08-003-2-2, Documents Numbered 02651-08, 02652-08 and 02666-08

Dear Mr. Beasley:

We have read TECO's April 25, 2008 request for confidential of confidential classification for certain portions of the staff audit report and working papers in response to staff's "Tampa Electric Company Fuel Adjustment Clause Audit for the Year ended December 31, 2007" and find the following 2 perceived issues:

Issue 1: Affecting all pages of the request

Rule 25-22.006(4), Florida Administrative Code, requires that along with its request for confidential classification the utility must file a confidential copy of the information with the sensitive portions highlighted and 2 or more public copies of the material with the sensitive information redacted. Highlighted and redacted copies were not filed with TECO's request. If highlighted and redacted copies of the sensitive information are not filed, staff cannot specifically identify exactly which information is considered sensitive, and TECO's request would be denied.

Issue 2: Affecting WP 10-6/1, 41 pages, Contract between Tampa Electric and TECO Transport

Section 366.093(3), Florida Statutes, provides that the Commission may only grant a confidential classification if the material is held as private and release of the sensitive material would be harmful. It appears that release of the information contained within staff's audit working paper 10-6/1, 41 pages, may not cause the contractual or competitive harm TECO suggests.

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The audit period is calendar year 2007. A fuel transportation contract between Tampa Electric and TECO Transport contract for the period 2003 to 2008 is already public (See Commission Document No. 02875-04, part 2 of 2). Further, the companies have disclosed they have contracted for 2009 fuel transportation and have provided confidential copies of those contracts (Confidential Commission Document No. 10112-08). Please provide additional, document-specific explanation as to why the 2007 contractual material found at WP 10-6/1, 41 pages, should be considered confidential.

Response to the Perceived Deficiency

Within 14 days from the date of this letter, as deemed necessary, the utility may modify its pleading, justification, redacted or highlighted copies within its request; otherwise, a recommendation will be presented to the Prehearing Officer based upon the existing record.

If you have any questions concerning this matter, please contact me at (850) 413-6076 or email: ANWILLIA@PSC.STATE.FL.US.

Sincerely,



Anna R. Williams
Staff Counsel

ARW

cc: Office of Commission Clerk
Docket No. 080001-EI/090001-EI (Parties)