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January 16, 2009

HAND DELIVERED

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

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09 JAN 16 PM 2:37
COMMISSION
CLERK

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

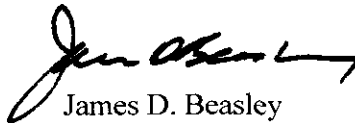
Dear Ms. Cole:

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 portions of Late Filed Deposition Exhibit Nos. 4 and 5 of Joann T. Wehle.

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

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

COM _____
ECR 2
FCL _____
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DOCUMENT NUMBER - DATE
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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: January 16, 2009

**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)

Yellow highlighted portions of Ms. Joann Wehle's Late Filed Deposition Exhibit 4, which is a 10-page document entitled Independent Review of Tampa Electric's 2008 Long-Term Coal and Coal Transportation Procurement Decisions, dated October 2008, and Ms. Wehle's Late Filed Deposition Exhibit 5, consisting of the entire contents of the Solid Fuel Contract between Tampa Electric and CSX Transportation, Inc., dated October 1, 2008, printed on yellow paper stock and marked "CONFIDENTIAL."

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

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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 propriety 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.

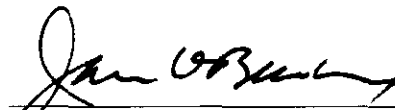
Requested Duration of Confidential Classification

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 16th day of January 2009.

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 16th day of January, 2009 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

**JUSTIFICATIONS FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S LATE FILED DEPOSITION EXHIBIT
SPONSORED BY JOANN T. WEHLE (FILED JANUARY , 2009**

<u>Late Filed Deposition Exhibit No.</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
4	84-85 (EVA Report) Pages 7-8	The Highlighted Information	(1)
5	89-144	All information on the pages	(1)

-
- (1) The information contained on the listed pages is contractual information about the company's fuel and fuel transportation contracts with various counterparties. This information is competitive contractual information, the disclosure of which would be harmful to the position of the counterparties in negotiating future contracts with other clients. Disclosing this information would also harm Tampa Electric's position in determining terms and conditions for future contracts since the providers' offers might be influenced if they had knowledge of current contract terms and conditions. As such public disclosure of the information contained on these pages 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 and Rule 25-22.006, Florida Administrative Code.

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 X

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

The lowest-cost winning offers were:

- Knight Hawk coal from the ILLB delivered by AEP Memco river barge and UMG terminal and gulf barge transportation.
- Alliance Resource LP coal from the ILLB delivered by CSXT rail direct and/or on an integrated basis from UMG. (River, Terminal, and Ocean).

New Contracts for Fuel and Transportation

Tampa Electric has completed negotiations of new long-term contracts for solid fuel and transportation, briefly summarized below:

- United Maritime Group: 6-year contract (2009 – 2014) for gulf barge, river barge and terminal services. The contract will provide the flexibility to deliver up to Tampa Electric's full requirements over the term of the contract. This will be necessary for 2009, as CSXT rail service will not be available until late 2009 or early 2010. The minimum tonnage commitment for UMG will be [REDACTED] tons per year, which allows up to [REDACTED] tons per year to be delivered by other modes.

[REDACTED] CSXT Railroad: 5-year contract (2010 to 2014) for rail direct shipment to Big Bend. The contract provides for shipment of up to [REDACTED] tons per year from origins in the ILLB and NAPP coal regions. [REDACTED]

[REDACTED]

- AEP Memco: 5-year contract (2009 – 2013) for river barge transportation from origins on the Upper Mississippi River to UBT terminal in Davant. This contract is for [REDACTED] tons per year and matches the term of the new coal contract with Knight Hawk.
- Knight Hawk Coal: [REDACTED]-year contract (2009 – [REDACTED]) for [REDACTED] tons per year of coal from its mines in Illinois delivered to barge at the Lone Eagle dock on the Mississippi River.
- Alliance Resource LP: [REDACTED]-year contract (2009 – [REDACTED]) for [REDACTED] tons per year ([REDACTED] tons in 2009) from its mines in the ILLB (West Kentucky and Illinois). Tampa Electric will have the option to ship this coal either by barge originating on

the Ohio River or by rail. Alliance will supply coal from 5 large mines, 4 of which can originate on CSXT. This coal will be the base coal supply to be shipped on the new CSXT rail contract.

In addition, Tampa Electric already has an existing long-term coal contract with Peabody for [REDACTED] tons per year through [REDACTED] which originates by barge on the Ohio River and would be shipped under the new contract with UMG. Also, the petroleum coke and bituminous coal requirements for the Polk station will be shipped on the new UMG contract.

Prudence of the Process and Results for New Fuel and Transportation Contracts

EVA has reviewed the process employed by Tampa Electric in soliciting and selecting new contracts for solid fuel and fuel transportation. EVA was asked to consult with Tampa Electric throughout the process from the design of the RFP to the economic analysis of the offers. Tampa Electric has been open to suggestions during the process to ensure that the procedures were designed to obtain competitive offers at the lowest cost which provide reliable supply of fuel and fuel transportation.

EVA reached the following opinions regarding the procurement and selection process:

- The process was fair, open and above-board for all potential suppliers to submit offers and have them considered on the merits of cost and reliability.
- Tampa Electric actively sought out and encouraged offers from new suppliers to compete with the incumbent transportation provider by advertising the procurement process in the industry and contacting companies to obtain offers.
- Tampa Electric made it possible for many suppliers to submit viable offers by dividing the transportation services into separate components of river barge, gulf barge and transfer services and rail opportunities.
- Tampa Electric considered capital investments to allow new transportation options including rail direct services as well as other options which did not make the final cut, such as new transfer docks and self-unloading vessels.
- Tampa Electric successfully negotiated to select the least-cost packages of coal and transportation services.

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TAMPA ELECTRIC COMPANY
DOCKET NO. 080317-EI
FPSC STAFF'S DEPOSITION
WITNESS: WEHLE
LATE FILED DEPOSITION EXHIBIT NO. 5
PAGE 2 OF 2
FILED: 01/15/09

**BATES STAMPED PAGES 89 – 144
ARE REDACTED.**

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

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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: January 16, 2009

TO: James Besley, 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 portions of Late Filed Deposition Exhibit Nos. 4 and 5, 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.

DOCUMENT NUMBER - DATE
00441 JAN 16 08
FPSC-COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
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