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January 27, 2009

HAND DELIVERED

RECEIVED-FPSC
09 JAN 27 PM 3:38
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. 090001-EI

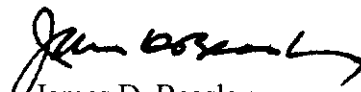
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Amended Request for Confidential Classification and Motion for Temporary Protective Order of certain information contained in Staff audit workpapers; Audit Control No. 08-003-2-2.

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

COM _____
MCE _____
GCL _____
OPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK _____

JDB/pp
Enclosure

cc: All Parties of Record (w/enc.)
Ms. Anna R. Williams (w/enc.)

DOCUMENT NUMBER-DATE

00659 JAN 27 09

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. 090001-EI

FILED: January 27, 2009

**TAMPA ELECTRIC COMPANY'S AMENDED
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, files this its amended 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)

The highlighted portions of those Staff audit workpapers listed in Exhibit "A" of this request. 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

00659 JAN 27 09

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 27th day of January 2009.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
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 27th day of January, 2009 to the following:

Ms. Lisa C. Bennett*
Staff Attorney
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. John T. Burnett
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St. Petersburg, FL 33733-4042

Mr. Paul Lewis, Jr.
Progress Energy Service Co., LLC
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Tallahassee, FL 32301-7740

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

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Associate Public Counsel
Office of Public Counsel
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Tallahassee, FL 32399-1400

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Messer Caparello & Self
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Tallahassee, FL 32301-1859

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Secretary and Treasurer
Gulf Power Company
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Pensacola, FL 32520-0780

Mr. Jeffrey A. Stone
Mr. Russell A. Badders
Mr. Steven R. Griffin
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Post Office Box 12950
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Mr. John T. LaVia, III
Young van Assenderp, P.A.
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Tallahassee, FL 32301

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

Karen S. White, Lt Col, USAF
Shayla L. McNeill, Capt, USAF
AFCESA/ULT
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403-5319

Ms. Cecilia Bradley
Senior Assistant Attorney General
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050

Mr. James W. Brew
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, D.C. 20007-5201



ATTORNEY

**JUSTIFICATIONS FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S DOCUMENTS SELECTED AS AUDIT
WORK PAPERS PURSUANT TO AUDIT CONTROL NO. 08-003-2-2**

Work Paper No.	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
10-2/1	The highlighted columns	17	(1)
10-9/1-1	Highlighted information on page 34	37	(2)
10-19/1-1	Highlighted information on pages 20 through 25	47	(2)
10-19/2-1	Highlighted information on pages 23 through 26	41	(2)
10-31/1-1	The highlighted information	1	(3)
25-3/2	The highlighted columns	8	(2)
25-6/1	The highlighted information on pages 1, 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 22, 26, 28, and 32	33	(3)
25-7/1	The highlighted information on pages 1 through 3	4	(3)
25-8/1	The highlighted information on pages 4, 7, 13, 15, 16, 17, 20, 22, 25, 26, 28, 29, 35, 36, and 37	42	(3)
25-9/1	The highlighted information	2	(3)
25-10/1	The highlighted information on pages 1, 2, and 5	7	(3)
25-11/2-1	The highlighted information on page 2	2	(3)
25-11/2-2	The highlighted information on page 1	2	(3)
26-6	The highlighted information columns (h) through (o)	1	(1)
26-6/1-1	The highlighted information	2	(1)
26-6/2-1	The highlighted information	1	(1)
43-5/2	The highlighted information	1	(1)
43-5/2-1	The highlighted information on pages 1 through 4	6	(3)
43-5/2-2	The highlighted information on pages 1 through 9	12	(3)
43-5/2-3	The highlighted information on page 1	2	(1), (3)
43-5/3	The highlighted information	1	(1)
43-5/3-1	The highlighted information	25	(1), (3)

- (1) The information discloses in detail, Tampa Electric's contracted fuel prices, by supplier. Public disclosure of this information would provide the company's contracted fuel, fuel transportation or fuel storage costs. As such, this information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Commodity rates and contract prices of services have been recognized by the Commission on numerous occasions to constitute proprietary confidential business information, the disclosure of which would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms and, likewise, harmful to the competitive interests of Tampa Electric and its suppliers. This is the specific type of information described in Section 366.093(2)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law.

- (2) The information contained on the listed pages includes Tampa Electric's planned operations and existing contractual data (trucking rate). 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.

- (3) The information in question is competitively sensitive account numbers and wiring information for Tampa Electric or its suppliers. This information is not disclosed anywhere else in information publicly submitted by Tampa Electric. The information could be used for fraudulent purposes and is therefore sensitive competitive operating information. 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. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093(2)(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 X

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

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 27, 2009

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 090001 or, if filed in an undocketed matter, concerning information contained in staff audit workpapers Audit Control No. 08-003-2-2, 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
00660 JAN 27 08
FPSC - COMMISSION CLERK

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