

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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09 MAR 30 PM 3:21
COMMISSION
CLERK

March 30, 2009

HAND DELIVERED

REDACTED

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

Re: Fuel and Purchased Power Cost Recovery Clause with Generating
Performance Incentive Factor; FPSC Docket No. 090001-EI

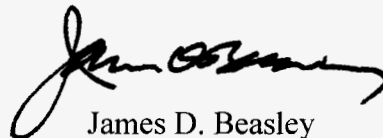
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order regarding portions of its answers to the Florida Public Service Commission Staff's First Request for Production of Documents No. 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

JDB/pp
Enclosure

COM

ECR

cc: All parties of record (w/enc.)

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DOCUMENT NUMBER-DATE
02793 MAR 30 8
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: March 30, 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)

The Florida Public Service Commission Staff's First Request for Production of Documents, Document No. 2 (Bates stamp pages 30, 32, 33 and 34). 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

DOCUMENT NUMBER-DATE

02793 MAR 30 8

FPSC-COMMISSION CLERK

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 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 30th day of March, 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 30th day of March, 2009 to the following:

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

Mr. John T. Burnett
Associate General Counsel
Progress Energy Service Co., LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042

Mr. Paul Lewis, Jr.
106 East College Avenue
Suite 800
Tallahassee, FL 32301-7740

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

Ms. Vicki Kaufman
Mr. Jon C Moyle
Keefe Anchors Gordon & Moyle, PA
118 N. Gadsden Street
Tallahassee, FL 32301

Ms. Patricia A. Christensen
Associate Public Counsel
Office of Public Counsel
111 West Madison Street – Room 812
Tallahassee, FL 32399-1400

Mr. Norman Horton
Messer Caparello & Self
Post Office Box 15579
Tallahassee, FL 32317

Mr. Mehrdad Khojasteh
Florida Public Utilities Company
P. O. Box 3395
West Palm Beach, FL 33402-3395

Mr. John T. Butler
Managing Attorney - Regulatory
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

Mr. R. Wade Litchfield
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Ms. Susan Ritenour
Secretary and Treasurer
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

Mr. Jeffrey A. Stone
Mr. Russell A. Badders
Mr. Steven R. Griffin
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32591-2950


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

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

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

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF THE DOCUMENT(S)**

<u>POD No.</u>	<u>Bates Stamp Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
2	30	All highlighted information	(1)
2	32	All highlighted information	
2	33	All highlighted information	
2	34	All highlighted information	

-
- (1) The information contained on the listed pages discloses coal prices bid by various coal suppliers in response to a Tampa Electric RFP. Public disclosure of this information would adversely affect the competitive interests of not only the bidders in question, but also Tampa Electric Company's ability to contract for goods and services on favorable terms. Bidders do not like to have their proposed coal prices publicized because of the impact it could have on them in other bid situations. Moreover, disclosing the prices bid by these proposed suppliers would provide useful information to other potential bidders on coal sales to Tampa Electric to offer a higher bid price for coal sales to Tampa Electric than they might otherwise offer if they did not have access to the confidential information in question. Disclosure of the information in question would, therefore, be harmful to the competitive interests of both Tampa Electric and its potential coal suppliers and, thus, is entitled to confidential treatment pursuant to Section 366.093(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 _____

Gen-2009-02 Cost of Fuels Utilization Model
Big Bend and Polk Spot Solicitation

Select Base Year 2009

Fuel Supplier	Mine	TONS OFFERED K tons	GULF						TOTAL DELIV'D \$/Ton	TOTAL DELIV'D \$/MMBtu
			FOB	DOCK	RAIL	RIVER	TERMINAL	Trucking		
Big Bend and Polk High Sulfur										
² Capitol Sales	Crown III	200								
Lafayette Energy Company	Prosperity Mine	500								
⁴ Ion Carbon & Minerals	K-2	360								
⁵ Coalsales, LLC	Gateway Mining Complex	250, 250								
³ American Coal Sales	Paradise Mine	600								
¹ Patriot Coal	Dodge Hill or substitute	100, 300, 300								
Polk Low Sulfur										
⁶ Commonwealth Coal Services	CW Mining	150								
⁷ CoalTek	Microwaved PRB	80								
⁸ Glencore Ltd.	Calenturitas (Columbia)	160								
⁹ Coal Marketing Company	Cerrejon (Columbia)	250								
Oxbow Mining LLC	Elk Creek Mine	350								

Big Bend and Polk High Sulfur

- ¹ Required a 3 year deal - solicited for one. No purchase
- ² FOB Railcar 1 yr - Btu below Big Bend requirement - No purchase
- ³ FOB Railcar 1 yr - no unloading facility at Big Bend - No purchase
- ⁴ 2 year offer Current s02 adjustment added to pp - Purchase one year with mutual option for second year.
- ⁵ One year 600k. Purchase one year.

Polk Low Sulfur Offers

- ⁶ Utah Coal in Utah - Mine currently operating under bankruptcy protection - no purchase
- ⁷ Coal Briquettes 3 years - microwaved PRB coal, PRB fusion not acceptable for Polk blend fuel. Per John McDaniel
- ⁸ CIF Big Bend
- ⁹ CIF Tampaplex
- No purchases made at this time

Transportation Rates from 2009 United Transportation contract
n/s = not supplied

2009 Petroleum Coke Solicitation

Vendor	Pricing Mechanism	Tons	Refinery	Delivery location	BTU's	% Sulfur (As Received)	HGI	\$ s / ton Polk	c/mmbtu's Polk
Valero	[REDACTED]	500,000	St Charles Refinery	Refinery	14,000	5.20%	+50	[REDACTED]	[REDACTED]
Koch Koch	[REDACTED]	200,000 200,000	TBD TBD	FOB Refinery Gulf Coast DES Customs cleared Gulf Coast	14,000 14,000	6.25% 5.25%	45 35	[REDACTED]	[REDACTED]
TCP Type A	No Bid				14,000	7.00%	+50	\$0.00	\$0.00
Oxbow	[REDACTED]	176,000	Hovensa Refinery	Big Bens Station	14,000	5.25%	35-45	[REDACTED]	[REDACTED]
EC SpA	No Bid				14,000	5.50%	50	\$0.00	\$0.00



MEMORANDUM

TO: Joann Wehle
Karen Bramley
FROM: Martin Duff
DATE: August 20, 2008
SUBJECT: Big Bend and Polk Coal and PC Bid Solicitation

Tampa Electric Company conducted multiple bid solicitation on June 12, 2008, to secure 2009 supply of approximately 600,000 tons of spot coal for Big Bend Station. Tampa Electric also solicited for 150,000 tons of low sulfur coal for blending with petcoke or 600,000 tons of high sulfur coal for Polk Station. Tampa Electric solicited for 200,000 tons of petcoke for Big Bend and 500,000 tons of petcoke for Polk. Attached are the results of this bid solicitation. Based upon the results of the solicitation, Tampa Electric intends to enter into supply contracts for Big Bend and Polk with the following suppliers:

Vendor	Quantity (tons)	Timeframe	\$/mmBtu Delivered Cost	Other
American Coal	600,000	2009	██████	West Kentucky coal from Paradise mine
Peabody Coalsales, LLC	250,000	2009	██████	Gateway mining complex
Valero Marketing and Supply Company	500,000	2009	██████	████████████████████ for 2009

Tampa Electric did not purchase coal from the low bidder, Capitol Sales (Crown III mine) because the Btu specification offered is well below the minimum Big Bend specifications and we have significant quantities of low Btu coals already in our long term portfolio. Any additional low Btu coals would reduce available energy generated at the station.

Ion Carbon offered Tampa Electric coal fines. This is a mine reclamation waste product with extremely high percentages of ash and moisture and only 8,500 Btu/lb. Because of the negative handling and operational characteristics of fines Tampa Electric declined this offer.

Due to the high cost of the current Colorado blend coal and other low sulfur options offered no Polk coal or low sulfur blend coal was purchased at this time. Tampa Electric will explore other options to be evaluated for the Polk blend coal.

REDACTED

**TAMPA ELECTRIC COMPANY
DOCKET NO. 090001-EI
STAFF'S FIRST REQUEST FOR PODS
FILED: MARCH 30, 2009**

Tampa Electric did not purchase petcoke for Big Bend at this time due to the high comparative cost to coal. Both the Oxbow and Koch Carbon [REDACTED] offers were rejected. For Polk's 2009 requirements Tampa Electric did come to a agreement with Valero Marketing on a one year, 500,000 ton [REDACTED] contract. This is the same petcoke that Polk has been using and the 2009 tons will be the first to be purchased directly from the refinery. Tampa Electric and Valero will utilize [REDACTED]

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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 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: March 30, 2009

TO: James D. 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 portions of its answers to FPSC Staff's 1st Request for PODs, No. 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
02794 MAR 30 09
FPSC - COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

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