

# AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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

March 30, 2009

HAND DELIVERED

RECEIVED-FPSC  
09 MAR 30 PM 3:22  
COMMISSION  
CLERK

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

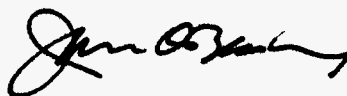
Dear Ms. Cole:

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 Set of Interrogatories Nos. 1 and 3.

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 IDB/pp  
ECR Enclosure  
GCL 2  
OPC cc: All parties of record (w/enc.)  
RCP  
SSC  
SCA  
ADM  
CIK

DOCUMENT NUMBER-DATE

02795 MAR 30 08

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 Set of Interrogatories Nos. 1 and 3 (Bates stamp pages 1, 2, and 5). 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

02795 MAR 30 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 30<sup>th</sup> 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 30<sup>th</sup> 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

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Suite 800  
Tallahassee, FL 32301-7740

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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>Document.</u>                | <u>Bates Stamp<br/>Page Nos.</u> | <u>Detailed Description</u> | <u>Rationale</u> |
|---------------------------------|----------------------------------|-----------------------------|------------------|
| Response to Interrogatory No. 1 | 1, 2                             | All highlighted information | (1)              |
| Response to Interrogatory No. 3 | 5                                | All highlighted information | (2)              |

- 
- (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.
- (2) The highlighted information discloses actual fuel prices per ton paid by Tampa Electric Company for coal. Public disclosure of this information would indicate to other potential fuel suppliers the price Tampa Electric is willing to pay for a particular type of coal in the spot market. This would give competitive or potential bidders an advantage over Tampa Electric in negotiating the price for coal sold to Tampa Electric. This could only drive up the cost of coal to Tampa Electric and, thus, adversely affect the company's competitive interests in contravention of the protection the Legislature expressly provided in Section 366.093(d) and (e), Florida Statutes. As such, the information in question is entitled to confidential treatment.

**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 \_\_\_\_\_



TAMPA ELECTRIC COMPANY  
DOCKET NO. 090001-EI  
STAFF'S FIRST SET OF  
INTERROGATORIES  
INTERROGATORY NO. 1  
PAGE 1 OF 2  
FILED: MARCH 30, 2009

1. For each Request for Proposal (RFP) for coal issued in 2008 by Tampa Electric Company (TECO), list the bids received. Include the supplier, tonnage bid, coal quality, and delivered price information, as well as the method and route of delivery.
- A. The requested information is provided in the tables below.

**2009 Petroleum Coke Solicitation  
PC 2009-01**

| Supplier | Tons    | Delivery | BTU    | As Rec'd<br>Sulfur<br>(%) | HGI   | Deliv'd<br>\$/Ton | Deliv'd<br>c/MMBtu |
|----------|---------|----------|--------|---------------------------|-------|-------------------|--------------------|
| Valero   | 500,000 | (1)      | 14,000 | 5.20                      | +50   |                   |                    |
| Koch     | 200,000 | (1)      | 14,000 | 6.25                      | 45    |                   |                    |
| Koch     | 200,000 | (1)      | 14,000 | 5.25                      | 35    |                   |                    |
| Oxbow    | 176,000 | (1)      | 14,000 | 5.25                      | 35-45 |                   |                    |

(1) Waterborne delivery to Big Bend Station and truck transportation to Polk Station.

2009 Coal Solicitation  
Gen-2009-02

| Supplier                             | Mine                     | Tons Offered (000) | Delivery | Total Deliv'd \$/Ton | Total Deliv'd \$/MMBtu | Total Moisture (%) | As Rec'd Ash (%) | As Rec'd Sulfur (%) | As Rec'd BTU | lb SO2/ MMBTU | lb Ash/ MMBTU | As Rec'd Chlorine |
|--------------------------------------|--------------------------|--------------------|----------|----------------------|------------------------|--------------------|------------------|---------------------|--------------|---------------|---------------|-------------------|
| <b>Big Bend and Polk High Sulfur</b> |                          |                    |          |                      |                        |                    |                  |                     |              |               |               |                   |
| Capitol Sales                        | Crown III                | 200                | (1)      |                      |                        | 16.50              | 9.60             | 3.50                | 10,600       | 6.27          | 9.06          | 0.12              |
| Lafayette Energy Company             | Prosperity Mine          | 500                | (2)      |                      |                        | 15.00              | 8.10             | 3.00                | 11,200       | 5.09          | 7.23          | 0.05              |
| Ion Carbon & Minerals                | K-2                      | 360                | (1)      |                      |                        | 16.00              | 13.00            | 2.50                | 10,200       | 4.66          | 12.75         | 0.01              |
| Coalsales, LLC                       | Gateway Mining Complex   | 250, 250           | (1)      |                      |                        | 13.30              | 8.70             | 3.03                | 11,100       | 5.19          | 7.84          | 0.11              |
| American Coal Sales                  | Paradise Mine            | 600                | (1)      |                      |                        | 12.00              | 10.00            | 3.00                | 11,500       | 4.96          | 8.70          | 0.15              |
| Patriot Coal                         | Dodge Hill or substitute | 100, 300, 300      | (1)      |                      |                        | 9.50               | 8.25             | 2.83                | 12,500       | 4.30          | 6.60          | 0.35              |
| <b>Polk Low Sulfur</b>               |                          |                    |          |                      |                        |                    |                  |                     |              |               |               |                   |
| Commonwealth Coal Services           | CW Mining                | 150                | (3)      |                      |                        | 10.00              | 12.50            | 0.70                | 11,700       | 1.14          | 10.68         | 0.02              |
| CoalTek                              | Microwaved PRB           | 80                 | (3)      |                      |                        | 10.00              | 8.00             | 0.50                | 11,000       | 0.86          | 7.27          | -                 |
| Glencore Ltd.                        | Calenturitas (Columbia)  | 160                | (4)      |                      |                        | 12.50              | 7.50             | 0.75                | 11,300       | 1.26          | 6.64          | 0.03              |
| Coal Marketing Company               | Cerrejon (Columbia)      | 250                | (4)      |                      |                        | 13.30              | 12.50            | 0.73                | 10,600       | 1.31          | 11.79         | 0.03              |
| Oxbow Mining LLC                     | Elk Creek Mine           | 350                | (4)      |                      |                        | 10.00              | 11.00            | 0.65                | 11,200       | 1.10          | 9.82          | -                 |

- (1) Waterborne delivery
- (2) Rail delivery
- (3) Rail or waterborne delivery and trucking from local delivery point to Polk Station
- (4) Waterborne delivery to Big Bend Station and transportation by truck to Polk Station

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TAMPA ELECTRIC COMPANY  
DOCKET NO. 090001-EI  
STAFF'S FIRST SET OF  
INTERROGATORIES  
INTERROGATORY NO. 1  
PAGE 2 OF 2  
FILED: MARCH 30, 2009

2008 Spot Coal Purchases

| Contract  | Quantity<br>(Tons) | Cost (\$) | Per Unit<br>Price<br>(\$/Ton) | Btu    | Ash   | Sulfur | Moisture<br>% (total) |
|---|--------------------|-----------|-------------------------------|--------|-------|--------|-----------------------|
| <b>Emerald International Resources Inc.</b>       |                    |           |                               |        |       |        |                       |
| Emerald Delivered Powhatan Aug 2008               | 52,969.4           |           |                               | 12,626 | 9.57  | 4.60   | 5.04                  |
| Emerald delivered salvage coal                    | 1,775.3            |           |                               | 11,176 | 9.06  | 3.91   | 14.31                 |
| Emerald Purchase / Swap (DH for Arclar)           | 28,510.0           |           |                               | 11,757 | 9.41  | 2.64   | 10.25                 |
| Purchase/Swap (Powhatan for Williamson)           | 131,886.0          |           |                               | 12,619 | 9.11  | 4.54   | 5.57                  |
| Subtotal:   | 215,140.7          |           |                               |        |       |        |                       |
| <b>Coaltrade International LLC</b>                |                    |           |                               |        |       |        |                       |
| Fodel Creek Mine Distress coal sale               | 453.8              |           |                               | 11,239 | 10.81 | 0.53   | 9.93                  |
| Subtotal:   | 453.8              |           |                               |        |       |        |                       |
| <b>City of Lakeland Department of Electricity</b> |                    |           |                               |        |       |        |                       |
| Lakeland SP1-2008-SA                              | 20,453.7           |           |                               | 11,798 | 11.14 | 1.18   | 7.34                  |
| Subtotal:   | 20,453.7           |           |                               |        |       |        |                       |
| <b>Arch Coal Company</b>                          |                    |           |                               |        |       |        |                       |
| Spot PRB with Arch Coal Sales                     | 63,501.3           |           |                               | 8,900  | N/A   | N/A    | 26.92                 |
| Subtotal:   | 63,501.3           |           |                               |        |       |        |                       |
| <b>American Energy Corporation</b>                |                    |           |                               |        |       |        |                       |
| Am Coal 08SP1-15                                  | 81,951.7           |           |                               | 12,548 | 8.56  | 4.10   | 6.60                  |
| Subtotal:   | 81,951.7           |           |                               |        |       |        |                       |
| <b>Total:</b>                                     | <b>381,501.2</b>   |           |                               |        |       |        |                       |

N/A Not available

TAMPA ELECTRIC COMPANY  
 DOCKET NO. 090001-EI  
 STAFF'S FIRST SET OF  
 INTERROGATORIES  
 INTERROGATORY NO. 3  
 PAGE 2 OF 2  
 FILED: MARCH 30, 2009

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TAMPA ELECTRIC COMPANY  
DOCKET NO. 090001-EI  
STAFF'S FIRST SET OF  
INTERROGATORIES  
INTERROGATORY NO. 1  
PAGE 1 OF 2  
FILED: MARCH 30, 2009

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| Valero   | 500,000 | (1)      | 14,000 | 5.20                | +50   |                |                 |
| Koch     | 200,000 | (1)      | 14,000 | 6.25                | 45    |                |                 |
| Koch     | 200,000 | (1)      | 14,000 | 5.25                | 35    |                |                 |
| Oxbow    | 176,000 | (1)      | 14,000 | 5.25                | 35-45 |                |                 |

(1) Waterborne delivery to Big Bend Station and truck transportation to Polk Station.

**2009 Coal Solicitation  
Gen-2009-02**

| Supplier                             | Mine                     | Tons Offered (000) | Delivery | Total Deliv'd \$/Ton | Total Deliv'd \$/MMBtu | Total Moisture (%) | As Rec'd Ash (%) | As         |              |              | As Rec'd Chlorine |              |
|--------------------------------------|--------------------------|--------------------|----------|----------------------|------------------------|--------------------|------------------|------------|--------------|--------------|-------------------|--------------|
|                                      |                          |                    |          |                      |                        |                    |                  | Sulfur (%) | As Rec'd BTU | lb SO2/MMBTU |                   | lb Ash/MMBTU |
| <b>Big Bend and Polk High Sulfur</b> |                          |                    |          |                      |                        |                    |                  |            |              |              |                   |              |
| Capitol Sales                        | Crown III                | 200                | (1)      |                      |                        | 16.50              | 9.60             | 3.50       | 10,600       | 6.27         | 9.06              | 0.12         |
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| Coalsales, LLC                       | Gateway Mining Complex   | 250, 250           | (1)      |                      |                        | 13.30              | 8.70             | 3.03       | 11,100       | 5.19         | 7.84              | 0.11         |
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| Commonwealth Coal Services           | CW Mining                | 150                | (3)      |                      |                        | 10.00              | 12.50            | 0.70       | 11,700       | 1.14         | 10.68             | 0.02         |
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TAMPA ELECTRIC COMPANY  
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 STAFF'S FIRST SET OF  
 INTERROGATORIES  
 INTERROGATORY NO. 1  
 PAGE 2 OF 2  
 FILED: MARCH 30, 2009

2008 Spot Coal Purchases

| Contract  | Quantity<br>(Tons) | Cost (\$) | Per Unit<br>Price<br>(\$/Ton) | Btu    | Ash   | Sulfur | Moisture<br>% (total) |
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| <b>Emerald International Resources Inc.</b>       |                    |           |                               |        |       |        |                       |
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| Emerald delivered salvage coal                    | 1,775.3            |           |                               | 11,176 | 9.06  | 3.91   | 14.31                 |
| Emerald Purchase / Swap (DH for Arclar)           | 28,510.0           |           |                               | 11,757 | 9.41  | 2.64   | 10.25                 |
| Purchase/Swap (Powhatan for Williamson)           | 131,886.0          |           |                               | 12,619 | 9.11  | 4.54   | 5.57                  |
| Subtotal:   | 215,140.7          |           |                               |        |       |        |                       |
| <b>Coaltrade International LLC</b>                |                    |           |                               |        |       |        |                       |
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| Subtotal:   | 453.8              |           |                               |        |       |        |                       |
| <b>City of Lakeland Department of Electricity</b> |                    |           |                               |        |       |        |                       |
| Lakeland SP1-2008-SA                              | 20,453.7           |           |                               | 11,798 | 11.14 | 1.18   | 7.34                  |
| Subtotal:   | 20,453.7           |           |                               |        |       |        |                       |
| <b>Arch Coal Company</b>                          |                    |           |                               |        |       |        |                       |
| Spot PRB with Arch Coal Sales                     | 63,501.3           |           |                               | 8,900  | N/A   | N/A    | 26.92                 |
| Subtotal:   | 63,501.3           |           |                               |        |       |        |                       |
| <b>American Energy Corporation</b>                |                    |           |                               |        |       |        |                       |
| Am Coal 08SP1-15                                  | 81,951.7           |           |                               | 12,548 | 8.56  | 4.10   | 6.60                  |
| Subtotal:   | 81,951.7           |           |                               |        |       |        |                       |
| <b>Total:</b>                                     | <b>381,501.2</b>   |           |                               |        |       |        |                       |

N/A Not available

TAMPA ELECTRIC COMPANY  
 DOCKET NO. 090001-EI  
 STAFF'S FIRST SET OF  
 INTERROGATORIES  
 INTERROGATORY NO. 3  
 PAGE 2 OF 2  
 FILED: MARCH 30, 2009

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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 Florida Public Service Commission Staff's 1<sup>st</sup> set of Interrogatories, Nos. 1-3, 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  
02796 MAR 30 08  
FPSC-COMMISSION CLERK

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

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)