

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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

RECEIVED - FPSC  
09 SEP - 1 PM 2:43  
COMMISSION  
CLERK

September 1, 2009

HAND DELIVERED

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

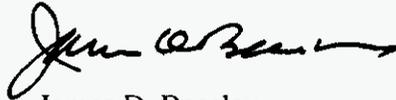
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order of certain information contained in Carlos Aldazabal's Schedule E12, Page 1 of 1, (Bates stamp page 21) for the period January 2010 – December 2010.

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 \_\_\_\_\_  
JCP 5  
SOL 1  
GPT \_\_\_\_\_  
RCP \_\_\_\_\_  
SNC \_\_\_\_\_  
SGA \_\_\_\_\_  
ADM \_\_\_\_\_  
CLK 1

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

DOCUMENT NUMBER-DATE

09087 SEP-18

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: September 1, 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)**

Schedule E12 (Bates Stamp page 21 – Tampa Electric Company Costs Estimated for the Period January 2010 through December 2010), a single copy of which is being simultaneously filed with the Commission on a confidential basis under a separate transmittal letter. Bates Stamp page 21 contains certain information ("Confidential Information") highlighted in yellow. 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

DOCUMENT NUMBER-DATE

09087 SEP-18

FPSC-COMMISSION CLERK

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 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 15<sup>th</sup> day of September, 2009.

Respectfully submitted,



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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 13<sup>th</sup> day of September, 2009 to the following:

Ms. Lisa C. Bennett\*  
Senior 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)**

<b><u>Page Nos.</u></b>	<b><u>Line Nos.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
Schedule E12 (Bates stamp page 21)	All highlighted lines	All highlighted information	(1)

- 
- (1) The Confidential Information shows estimated purchase amounts pursuant to confidential contracts negotiated by and between Tampa Electric Company and certain energy providers. As such, the information in question is information concerning bids or other contractual data the disclosure of which would impair the efforts of Tampa Electric to contract for goods and services on favorable terms. It is also information relating to competitive interests the disclosure of which would impair the competitive business of Tampa Electric. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

**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  
CAPACITY COSTS  
ESTIMATED FOR THE PERIOD: JANUARY 2010 THROUGH DECEMBER 2010**

SCHEDULE E12

CONTRACT	TERM		CONTRACT TYPE
	START	END	
MCKAY BAY REFUSE	8/26/1982	7/31/2011	QF
ORANGE COGEN LP	4/17/1989	12/31/2015	QF
HILLSBOROUGH COUNTY	1/10/1985	3/1/2010	QF
HARDEE POWER PARTNERS	1/1/1993	12/31/2012	LT
SEMINOLE ELECTRIC	6/1/1992	**	LT
CALPINE	5/1/2006	4/30/2011	LT
RELIANT	1/1/2009	5/31/2012	LT
PASCO COGEN	1/1/2009	12/31/2018	LT

QF = QUALIFYING FACILITY  
 LT = LONG TERM  
 ST = SHORT TERM  
 \*\* THREE YEAR NOTICE REQUIRED FOR TERMINATION.

CONTRACT	JANUARY MW	FEBRUARY MW	MARCH MW	APRIL MW	MAY MW	JUNE MW	JULY MW	AUGUST MW	SEPTEMBER MW	OCTOBER MW	NOVEMBER MW	DECEMBER MW
MCKAY BAY REFUSE	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0	19.0
HILLSBOROUGH COUNTY	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0
ORANGE COGEN LP	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0
HARDEE POWER PARTNERS	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0	441.0
CALPINE	170.0	170.0	170.0	170.0	170.0	170.0	170.0	170.0	170.0	170.0	170.0	170.0
RELIANT	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0	158.0
PASCO COGEN	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0
SEMINOLE ELECTRIC	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1

CAPACITY YEAR 2010	JANUARY (\$)	FEBRUARY (\$)	MARCH (\$)	APRIL (\$)	MAY (\$)	JUNE (\$)	JULY (\$)	AUGUST (\$)	SEPTEMBER (\$)	OCTOBER (\$)	NOVEMBER (\$)	DECEMBER (\$)	TOTAL (\$)
MCKAY BAY REFUSE	368,100	300,300	368,100	344,700	368,100	344,700	368,100	368,100	344,700	368,100	344,700	368,100	4,255,800
HILLSBOROUGH COUNTY	1,130,500	922,300	0	0	0	0	0	0	0	0	0	0	2,052,800
ORANGE COGEN LP	890,100	726,200	890,100	833,600	890,100	833,600	890,100	890,100	833,600	890,100	833,600	890,100	10,291,300
TOTAL COGENERATION	2,388,700	1,948,800	1,258,200	1,178,300	1,258,200	1,178,300	1,258,200	1,258,200	1,178,300	1,258,200	1,178,300	1,258,200	16,599,900
HARDEE POWER PARTNERS	[REDACTED]												
CALPINE - D	[REDACTED]												
RELIANT ENERGY SERVICES - D	[REDACTED]												
PASCO COGEN - D	[REDACTED]												
SUBTOTAL CAPACITY PURCHASES	[REDACTED]												
SEMINOLE ELECTRIC - D	[REDACTED]												
VARIOUS MARKET BASED	[REDACTED]												
SUBTOTAL CAPACITY SALES	[REDACTED]												
TOTAL PURCHASES AND (SALES)	3,950,400	3,959,800	3,949,200	3,946,800	3,941,700	3,935,500	3,929,700	3,930,800	3,935,700	3,949,200	3,956,200	3,951,500	47,336,500
<b>TOTAL CAPACITY</b>	<b>\$6,339,100</b>	<b>\$6,908,600</b>	<b>\$5,207,400</b>	<b>\$5,126,100</b>	<b>\$5,189,900</b>	<b>\$5,113,800</b>	<b>\$5,187,900</b>	<b>\$5,189,000</b>	<b>\$5,114,000</b>	<b>\$5,207,400</b>	<b>\$5,134,500</b>	<b>\$5,209,700</b>	<b>\$63,936,400</b>

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**TAMPA ELECTRIC COMPANY  
CAPACITY COSTS  
ESTIMATED FOR THE PERIOD: JANUARY 2010 THROUGH DECEMBER 2010**

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SEMINOLE ELECTRIC	6/1/1992	**	LT
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HILLSBOROUGH COUNTY	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0
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PASCO COGEN	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0	121.0
SEMINOLE ELECTRIC	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1

CAPACITY YEAR 2010	JANUARY (\$)	FEBRUARY (\$)	MARCH (\$)	APRIL (\$)	MAY (\$)	JUNE (\$)	JULY (\$)	AUGUST (\$)	SEPTEMBER (\$)	OCTOBER (\$)	NOVEMBER (\$)	DECEMBER (\$)	TOTAL (\$)
MCKAY BAY REFUSE	368,100	300,300	368,100	344,700	368,100	344,700	368,100	368,100	344,700	368,100	344,700	368,100	4,255,800
HILLSBOROUGH COUNTY	1,130,500	922,300	0	0	0	0	0	0	0	0	0	0	2,052,800
ORANGE COGEN LP	890,100	726,200	890,100	833,600	890,100	833,600	890,100	890,100	833,600	890,100	833,600	890,100	10,281,300
TOTAL COGENERATION	2,388,700	1,948,800	1,258,200	1,178,300	1,258,200	1,178,300	1,258,200	1,258,200	1,178,300	1,258,200	1,178,300	1,258,200	16,589,900
HARDEE POWER PARTNERS	[REDACTED]												
CALPINE - D	[REDACTED]												
RELIANT ENERGY SERVICES - D	[REDACTED]												
PASCO COGEN - D	[REDACTED]												
SUBTOTAL CAPACITY PURCHASES	[REDACTED]												
SEMINOLE ELECTRIC - D	[REDACTED]												
VARIOUS MARKET BASED	[REDACTED]												
SUBTOTAL CAPACITY SALES	[REDACTED]												
TOTAL PURCHASES AND (SALES)	3,950,400	3,958,800	3,948,200	3,946,800	3,941,700	3,935,500	3,929,700	3,930,800	3,935,700	3,949,200	3,956,200	3,951,500	47,336,500
TOTAL CAPACITY	\$6,339,100	\$6,908,600	\$5,207,400	\$5,125,100	\$5,199,900	\$5,113,800	\$6,187,900	\$5,189,000	\$5,114,000	\$5,207,400	\$5,134,600	\$5,209,700	\$63,936,400

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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: September 1, 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 information contained in Carlos Aldazabal's Schedule E12, Page 1 of 1 (Bates-stamp page 21) for period 1/2010-12/2010, 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  
09088 SEP-1 09  
FPSC-COMMISSIONER 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)