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October 1, 2009

HAND DELIVERED

RECEIVED-FPSC
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COMMISSION
CLERK

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

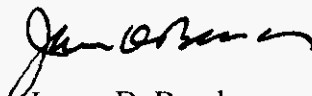
Dear Ms. Cole:

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 Third Set of Interrogatories Nos. 15 and 17.

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 5
GCL 1
OPC
RCP
SSC
SGA
ADM
CLK 1

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

DOCUMENT NUMBER-DATE

10142 OCT-1 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: October 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)

Tampa Electric's answers to the Florida Public Service Commission Staff's Third Set of Interrogatories (Nos. 15 and 17), a single copy of which is being simultaneously filed with the Commission on a confidential basis under a separate transmittal letter. Bates Stamp pages 2 and 4 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

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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 13th day of October, 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 15th day of October, 2009 to the following:

Mr. Erik L. Saylor*
Ms. Lisa C. Bennett
Senior Attorney
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Tallahassee, FL 32399-0850

Mr. John T. Burnett
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Post Office Box 3350
Tampa, FL 33601-3350

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

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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 TAMPA ELECTRIC'S RESPONSES TO
STAFF'S THIRD SET OF INTERROGATORIES (FILED OCTOBER 1, 2009)**

<u>Interrogatory No.</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
15	2	The Highlighted Information	(1)
17	4	The Highlighted Information	(1)

- (1) The information contained on the listed pages pertains to specific fuel hedging market position, strategy and volume. This type of information on a commodity 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 affiliates. This is the specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law.

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 _____

- 15.** Please refer to page 8, paragraph 3 under Natural Gas of TECO's Risk Management Plan filed August 4, 2009.
- a.) What are the minimum and maximum target hedge percentages for volumes of natural gas for 2010? Please explain.
 - b.) Why does percentage vary according to time remaining?
- A.**
- a) Tampa Electric's hedge plan is for ■ percent to ■ percent of projected natural gas volumes to be hedged by the time the volumes are needed.
 - b) Tampa Electric begins to hedge two years before the natural gas is projected to be consumed. As the projected need date for the natural gas approaches, the percentage range hedged increases to ■ percent to ■ percent. Thereby ensuring hedging occurs continually and consistently throughout the two-year period leading up to the projected need date.

17. Please refer to page 8, paragraph 4 under Natural Gas of TECO's Risk Management Plan. How much of the net effect of 2009 is based on estimated gains/losses from hedging transactions, and how much is based on realized gains/losses, as of the year to date?
 - A. For 2009, [REDACTED] million of natural gas hedges are realized losses and [REDACTED] million is projected losses.

- 15.** Please refer to page 8, paragraph 3 under Natural Gas of TECO's Risk Management Plan filed August 4, 2009.
- a.) What are the minimum and maximum target hedge percentages for volumes of natural gas for 2010? Please explain.
 - b.) Why does percentage vary according to time remaining?
- A.**
- a) Tampa Electric's hedge plan is for ■ percent to ■ percent of projected natural gas volumes to be hedged by the time the volumes are needed.
 - b) Tampa Electric begins to hedge two years before the natural gas is projected to be consumed. As the projected need date for the natural gas approaches, the percentage range hedged increases to ■ percent to ■ percent. Thereby ensuring hedging occurs continually and consistently throughout the two-year period leading up to the projected need date.

17. Please refer to page 8, paragraph 4 under Natural Gas of TECO's Risk Management Plan. How much of the net effect of 2009 is based on estimated gains/losses from hedging transactions, and how much is based on realized gains/losses, as of the year to date?
- A. For 2009, [REDACTED] million of natural gas hedges are realized losses and [REDACTED] million is projected losses.

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: October 1, 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 answers to staff's 3rd set of Interrogatories, Nos. 15 and 17, 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
10143 OCT-1 09
FPSC-COMMISSION CLERK

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