

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

October 6, 2009

HAND DELIVERED

RECEIVED-FPSC
09 OCT - 6 PM 2:44
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 of audit workpapers pursuant to Audit Control No. 09-189-2-1.

Tampa Electric is including with its request and motion two redacted public versions of the audit workpapers. Given the voluminous nature of these documents, and in an effort to minimize the expense of copying, public versions are omitted from service copies to the parties, although they will be provided upon request.

COM _____ Please acknowledge receipt and filing of the above by stamping the duplicate copy of this
ECR _____ letter and returning same to this writer.

GCL 1 _____
OPC _____ Thank you for your assistance in connection with this matter.

RCP 5 _____

SSC _____

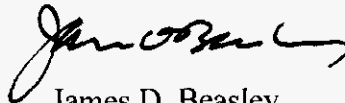
SGA _____

ADM _____

CLK 1 _____

JDB/pp
Enclosure

Sincerely,



James D. Beasley

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

DOCUMENT NUMBER-DATE

10311 OCT-6 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: October 6, 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 Company documents selected as audit workpapers pursuant to Audit Control No. 09-189-2-1, said documents being listed by audit workpaper number in Exhibit "A" to this request and motion. 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

10311 OCT-6 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 6th 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 6th day of October, 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

**JUSTIFICATIONS FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S DOCUMENTS SELECTED AS AUDIT
WORK PAPERS PURSUANT TO AUDIT CONTROL NO. 09-189-2-1**

<u>Work Papers:</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
2	Columns titled "Hedged Volume," "Percent Hedged," "Projected Price" and "Hedge Price"	2	(1)
7	Columns titled "Hedged Volume [2008 and 2009], volume on chart, MMBTU	1	(1)
10-2A/2 through 10-2A/9	All information on pages	8	(2)
10-3/7	Highlighted Information	1	(1)
10-3/11	Highlighted Information	1	(1)
10-3/18	Highlighted Information	1	(1)
10-3/22 - 23	Highlighted Information	2	(1)
10-3C/2	All information on page		(3)
10-7/2 - 4	Highlighted Information	3	(1)
10-8/1 - 2	Highlighted Information	1	(1)
10-8/3	All information on page	1	(1)
44	Highlighted Information, page 1 of 2	1	(1)
44-1 through 44-22	Highlighted Information	73	(2)
45	Columns titled "Hedged Volume," "Percent Hedged," "Projected Price" and "Hedge Price"	1	(1)
45-1	Highlighted Information	5	(1)
45-2	Columns titled "Hedged Volume," "Percent Hedged," "Budget Price" and "Hedge Price"	1	(1)
45-3 through 45-10	Highlighted Information	14	(2)
45-12, 14, 16	Highlighted Information	3	(1)
61 through 61-1	Highlighted Information	2	(1)
61-2	All information on page	1	(1)
63-3	All information on page	1	(3)
67	Highlighted Information	5	(2)
67 Summary	Highlighted Information	1	(1)

-
- (1) Public disclosure of the referenced information would reveal Tampa Electric's risk exposure, hedging and purchasing strategies, and the manner and timing of the company's planned entry into the market. This information would allow the opportunity for market manipulation through transactions made in anticipation of the company's entry into the market. Market manipulations based on knowledge of the highlighted information would increase the price of fuel and purchased power paid by Tampa Electric's customers as well as the price paid by the company to hedge the customers' price of fuel. These effects of disclosure would impair the efforts of Tampa Electric to contract for goods and services on favorable terms for the benefit of its customers. The

disclosure of this information would therefore be harmful to the ability of Tampa Electric to contract for goods and services on favorable terms, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.

- (2) Public disclosure of the referenced information would reveal contractual terms regarding Tampa Electric's hedge transactions. Suppliers could use this valuable information to help them negotiate more favorable terms, to the detriment of Tampa Electric and its ratepayers, than would otherwise be the case. The disclosure of this information would therefore be harmful to the ability of Tampa Electric to contract for goods and services on favorable terms, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.
- (3) The information contained on the listed pages includes Tampa Electric's extended credit limits for trading companies. The disclosure of the counterparties and credit terms could cause other trading entities to modify existing or potential future terms of any agreements. As such, public disclosure of the information 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.

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

STATE OF FLORIDA

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
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 6, 2009

TO: James D. Beasley, Esquire - Ausley & McMullen

FROM: Marguerite H. Mclean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090001-EI or, if filed in an undocketed matter, concerning highlighted information contained in audit work papers (Audit Control No. 09-189-2-1), 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.

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