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November 20, 2009

HAND DELIVERED

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09 NOV 20 PM 3:05
COMMISSION
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Ms. Ann Cole, Director
Division of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Review of the Continuing Need and Cost Associated with Tampa Electric Company's Five Combustion Turbines and Big Bend Rail Facility;
FPSC Docket No. 090368-EI

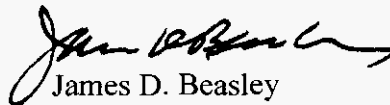
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order regarding highlighted portions of Staff audit workpapers pursuant to Audit Control No. 09-197-2-1. In view of the volume associated with this filing, we are not furnishing redacted copies to the parties, but will furnish them on request.

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 _____
APA 5 _____
ECR _____ JDB/pp
GCL 1 _____ Enclosure
RAD _____ ec: All parties of record (w/enc.)
SSC _____
ADM _____
OPC _____
CLK 1 _____

DOCUMENT NUMBER-CASE

11507 NOV 20 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the continuing need and)
Cost associated with Tampa Electric)
Company's 5 Combustion Turbines and)
Big Bend Rail Facility.)
_____)

DOCKET NO. 090368-EI

FILED: November 20, 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, files this its request for 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 highlighted portions of those Staff audit workpapers pursuant to Audit Control No. 09-197-2-1 listed in Exhibit "A" of this request, a single copy of which is being simultaneously filed with the Commission on a confidential basis under a separate transmittal letter. 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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

“[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 propriety 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

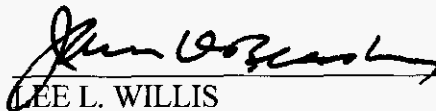
6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the

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 20th day of November 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 20th day of November, 2009 to the following:

Mr. Keino Young*
Staff Attorney
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. J. R. Kelley
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Ms. Vicki Gordon Kaufman
Mr. Jon C. Moyle, Jr.
Keefe, Anchors, Gordon and Moyle
118 North Gadsden Street
Tallahassee, FL 32301

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



ATTORNEY

**JUSTIFICATIONS FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S DOCUMENTS SELECTED AS AUDIT
WORK PAPERS PURSUANT TO AUDIT CONTROL NO. 09-197-2-1**

<u>Work Papers:</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
16/2-3/1-1	Highlighted information	4	(1)
16/2-3/3-1	Highlighted information	5	(1)
16/2-4/3-1	Highlighted information	2	(1)
16/2-5/1-1	Highlighted Information	2	(1)
16/2-5/1-2	Highlighted Information	2	(1)
16/2-6/1-1	Highlighted Information	1	(1)
16/2-7/1-1	Highlighted Information	1	(1)
16/2-7/2-1	Highlighted Information	1	(1)
17-1	Highlighted Information	1	(2)
17-1/1	All information on pages	3	(2)
17-1/2	All information on pages	2	(2)
17-1/2-1	All information on page	1	(2)
17-2	All information on pages	3	(2)
17-2/1	All information on pages	2	(2)
17-2/1-1	All information on page	1	(2), (3)
17-2/1-2	All information on pages	2	(2), (3)
17-2/1-3	All information on pages	2	(2), (3)
17-2/1-4	All information on pages	2	(2), (3)
17-2/1-5	All information on pages	2	(2), (3)
17-2/1-6	All information on pages	2	(2), (3)
17-2/1-7	All information on pages	4	(2), (3)
17-2/1-8	All information on pages	2	(2), (3)
17-2/1-9	All information on pages	2	(2)
17-3	Highlighted Information	1	(2)
17-3/1	All information on pages	3	(2)
17-3/1-1	All information on page	1	(2), (3)
17-3/1-2	All information on page	1	(2), (3)
17-3/2	All information on page	1	(2)
17-3/2a	All information on page	1	(2)
17-4	All information on page	1	(2)
17-4/1	All information on pages	4	(2)
17-4/2	All information on page	1	(2)
17-4/2a	All information on pages	2	(2)
17-4/2-1	All information on pages	2	(2), (3)
17-4/2-2	All information on pages	2	(2), (3)
17-4/2-3	All information on pages	2	(2), (3)
17-5	Highlighted Information	1	(2)
17-5/1	All information on pages	3	(2)

17-5/2	All information on page	1	(2)
17-5/2a	All information on pages	2	(2)
17-5/2-1	All information on page	1	(2)
17-6	Highlighted Information	1	(2)
17-6/1	All information on pages	3	(2)
17-6/2	All information on page	1	(2)
17-7	Highlighted Information	1	(2)
17-7/1	All information on pages	4	(2)
17-7/2	All information on page	1	(2)
17-7/2a	All information on pages	7	(2)
17-7/2-1	All information on page	1	(2)
17-7/2-2	All information on page	1	(2)
17-7/2-3	All information on page	1	(2)
17-8	All information on pages	2	(2)
17-8/1	All information on pages	2	(2)
17-8/1-1	All information on page	1	(2)
17-8/1-2	All information on page	1	(2)
17-9	Highlighted Information	1	(2)
17-9/1	All information on page, page 1 of 2	1	(2)
17-9/1	Highlighted Information, page 2 of 2	1	(2)
17-9/1-1	All information on page	1	(2)
17-10	Highlighted Information	2	(2)
17-10/1	All information on pages	5	(2)
17-10/1-1	All information on page	1	(2), (3)
17-10/1-2	All information on page	1	(2), (3)
17-10/1-3	All information on page	1	(2), (3)
17-10/1-4	All information on page	1	(2), (3)
17-10/1-5	All information on page	1	(2)
17-10/1-6	All information on page	1	(2), (3)
17-10/1-7	All information on page	1	(2), (3)
17-10/1-8	All information on page	1	(2), (3)
17-10/1-9	All information on page	1	(2), (3)
17-10/1-10	All information on page	1	(2), (3)
17-10/1-11	All information on page	1	(2), (3)
17-10/1-12	All information on page	1	(2), (3)
17-10/1-13	All information on page	1	(2), (3)
17-10/2	All information on pages	9	(2)
17-12	Highlighted Information	2	(2)
17-12/1	All information on page	1	(2)
17-13	Highlighted Information	1	(2)
17-13/1	All information on pages	3	(2)
17-14	All information on page	1	(2)
17-14/1	All information on pages	3	(2)
17-14/2	All information on page	3	(2)
17-14/2a	All information on pages	8	(2)

17-14/2-1	All information on page	1	(2)
17-15	Highlighted Information	2	(2)
17-15/1	All information on pages	2	(2)
17-16	Highlighted Information	3	(2)
17-16/1	All information on pages	2	(2)
17-16/1-1	All information on page	1	(2)
17-16/1-2	All information on page	1	(2)
17-16/1-3	All information on pages	2	(2)
17-16/1-3a	Highlighted Information	1	(2)
17-17	Highlighted Information	2	(2)
17-17/1	All information on pages	2	(2), (3)
17-17/2	All information on pages	2	(2), (3)
17-17/3	All information on pages	2	(2), (3)
17-17/4	All information on pages	1	(2), (3)
19	Highlighted Information	1	(1)
19-1	Highlighted Information	2	(1)
19-1/1	Highlighted Information	2	(1)
19-1/1-1	Highlighted Information	1	(1)
19-2	Highlighted Information	2	(1)

-
- (1) The information contained in the documents is intended to be and is treated by Tampa Electric as private and has not been publicly disclosed. The disclosure of this information would reveal personal employee information considered private and unrelated to compensation. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093(3) (f), Florida Statutes.
 - (2) Public disclosure of the referenced information would reveal the identity of bidders that submitted proposals in response to Tampa Electric's RFP as well as specific contractual conditions and pricing related to purchase order agreements and service agreements. Suppliers could use this information to help negotiate more favorable terms, to the detriment of Tampa Electric and its ratepayers. Public disclosure of the information contained on these pages would adversely affect the competitive interests of the bidders and the ability of Tampa Electric 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(3)(d) and (e), Florida Statutes.
 - (3) The information in question is competitively sensitive account numbers and wiring information for Tampa Electric or its suppliers. This information is not disclosed anywhere else in information publicly submitted by Tampa Electric. The information could be used for fraudulent purposes and is therefore sensitive competitive operating information. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093(3)(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:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
NANCY ARGENZIANO
NATHAN A. SKOP
DAVID E. KLEMENT



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: November 20, 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 090368 or, if filed in an undocketed matter, concerning highlighted portions of staff audit workpapers pursuant to Audit Control No. 09-0197-2-1, 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 Kim Peña, Records Management Assistant, at (850) 413-6393.

DOCUMENT NUMBER: DATE
11508 NOV 20 09
FPSC-COMMISSION CLERK

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