

# AUSLEY & McMULLEN

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March 29, 2010

HAND DELIVERED

RECEIVED-FPSC  
10 MAR 29 PM 2:43  
COMMISSION  
CLERK

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

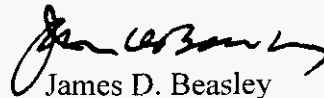
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Motion for Temporary Protective Order in response to Office of Public Counsel's First Request for Production of Documents (Nos. 1-9).

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 \_\_\_\_\_  
APA 1 cc: All parties of record (w/enc.)  
ECR 9  
GCL 1  
RAD 3  
SSC \_\_\_\_\_  
ADM \_\_\_\_\_  
OPC \_\_\_\_\_  
CLK Peña

[CLK note: no  
confidential info.  
Filed at this date.]  
MAM

DOCUMENT NUMBER-DAT

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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: March 29, 2010

**TAMPA ELECTRIC COMPANY'S  
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 moves the Commission for entry of a Temporary Protective Order with respect to all information contained on pages marked "CONFIDENTIAL" in red in a diskette being provided this date to Office of Public Counsel ("OPC") in response to OPC's First Request for Production of Documents (Nos. 1-9), said confidential information hereinafter referred to as "Confidential Information."

**Description of Confidential Information**

All information on pages marked "CONFIDENTIAL" on a diskette separately submitted in response to OPC's First Request for Production of Documents (Nos. 1-9). Since all of the information on the pages marked "CONFIDENTIAL" is entitled to confidential protection, Tampa Electric has omitted highlighting the information in yellow. In support of this request, the company states:

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

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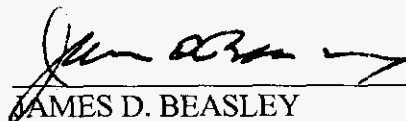
FPSC-COMMISSION CLERK

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 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.

WHEREFORE, Tampa Electric Company 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 29<sup>th</sup> day of March, 2010.

Respectfully submitted,



JAMES D. BEASLEY  
J. JEFFRY WAHLEN  
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 29<sup>th</sup> day of March, 2010 to the following:

Mr. Keino Young\*  
Staff Attorney  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

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

Ms. Vicki Gordon Kaufman  
Mr. Jon C. Moyle, Jr.  
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Tallahassee, FL 32301

Mr. John W. McWhirter, Jr.  
Post Office Box 3350  
Tampa, FL 33601-3350

  
\_\_\_\_\_  
ATTORNEY