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May 3, 2010

HAND DELIVERED

Ms. Ann Cole, Director
Division of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED-FPSC
10 MAY -3 PM 3:24
OFFICE OF
COMMISSION CLERK

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

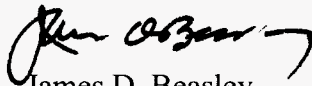
Dear Ms. Cole:

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 Second Request for Production of Documents (Nos. 10-15).

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 JDB/pp
APA Enclosure
ECR cc. All parties of record (w/enc.)
GCL _____
RAD _____
SSC _____
ADM _____
OPC _____
CLK Revised

DOCUMENT NUMBER-DATE

03659 MAY-3 0

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: May 3, 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 printed on yellow paper stock and marked "CONFIDENTIAL" in red being provided this date to Office of Public Counsel ("OPC") in response to OPC's Second Request for Production of Documents (Nos. 10-15), said confidential information hereinafter referred to as "Confidential Information."

Description of Confidential Information

All information on pages marked "CONFIDENTIAL" separately submitted in response to OPC's Second Request for Production of Documents (Nos. 10-15). The Confidential Information is contained on Bates stamp pages 220-285, being provided to OPC as part of Tampa Electric's response to OPC's Production of Documents Request No. 10. Since all of the information on the pages marked "CONFIDENTIAL" is entitled to confidential protection, Tampa Electric has printed them on yellow paper stock. 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

DOCUMENT NUMBER-DATE

03659 MAY-3 2010

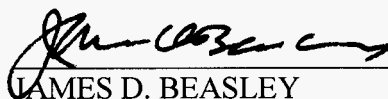
FPSC-COMMISSION CLERK

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 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 3rd day of May, 2010.

Respectfully submitted,



JAMES D. BEASLEY
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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

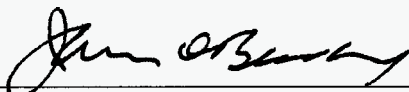
I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 3rd day of May, 2010 to the following:

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Staff Attorney
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