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RECEIVED-PPSC
10 OCT -6 PM 2:56

COMMISSION
CLERK

October 6, 2010

HAND DELIVERED

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

CLAIM OF CONFIDENTIALITY
 NOTICE OF INTENT
 REQUEST FOR CONFIDENTIALITY
 FILED BY OPC
FOR DN 08361-10, WHICH
IS IN LOCKED STORAGE. YOU MUST BE
AUTHORIZED TO VIEW THIS DN. - CLK

Re: Fuel and Purchased Power Cost Recovery Clause with Generating
Performance Incentive Factor; FPSC Docket No. 100001-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. 10-130-2-2.

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.

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
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SCL
IAD
SC
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PC
LK Pena

JDB/pp
Enclosure

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

DOCUMENT NUMBER DATE
08362 OCT-6 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. 100001-EI

FILED: October 6, 2010

**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. 10-130-2-2, 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

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FPSC-COMMISSION CLEAR

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

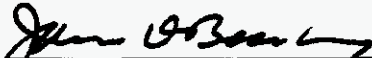
6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the company is in need of confidential 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 6th day of October, 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 6th day of October, 2010 to the following:

Ms. Lisa C. Bennett*
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Mr. Randy B. Miller
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Post Office Box 300
White Springs, FL 32096



ATTORNEY

**JUSTIFICATIONS FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S DOCUMENTS SELECTED AS AUDIT
WORK PAPERS PURSUANT TO AUDIT CONTROL NO. 10-130-2-2**

<u>Work Papers:</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
2 Sum	Highlighted Information	1	(1)
2, page 3 of 6	Highlighted Information	1	(1)
2, page 5 of 6	Highlighted Information	1	(2)
2-1	Highlighted Information	1	(1)
2-2	Highlighted Information	2	(1)
7	All Information on Page	1	(3)
7-1	All Information on Page	1	(3)
7-3	Highlighted Information	1	(1)
7-4	Highlighted Information	1	(3)
7-5	Highlighted Information	1	(3)
7-6	Highlighted Information	1	(3)
10-15	Highlighted Information	1	(1)
10-18	Highlighted Information	1	(1)
12	Highlighted Information	12	(1)
45	Highlighted Information	1	(1)
45/1	Highlighted Information	1	(1)
45-1 to 45-12	Highlighted Information	12	(1)
45-13	Highlighted Information	2	(1)
45-13/1	Highlighted Information	12	(1)
45-14	All Information on Pages	12	(1)
45-15	Highlighted Information	12	(1)
61	Highlighted Information	2	(1)
61-1	All Information on Pages	12	(4)
62	Highlighted Information	1	(1)
62-1 to 62-12	Highlighted Information	12	(1)
62-13 to 62-24	Highlighted Information	12	(1)
63 Sum	Highlighted Information	1	(1)
63	Highlighted Information	1	(1)
63/1	Highlighted Information	2	(1)
63/1-1 to 63/1-12	Highlighted Information	12	(1)
63-5	All Information on Pages	12	(1)
64, pages 4,5,8,9	Highlighted Information	4	(1)
64-1, pages 6 and 10	Highlighted Information	2	(1)
67	Highlighted Information	1	(1)
67-1	Highlighted Information	1	(1)
67-2	Highlighted Information	3	(1)
69-1/3	All Information on Page	1	(4)

- (1) The highlighted information contains specific details about fuel hedging volume, pricing, percentages and/or counterparties. This type of information on a commodity has been recognized by the Commission on numerous occasions to constitute proprietary confidential business information. Knowledge of 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 paid by Tampa Electric's customers as well as the price paid by the company to hedge the customers' price of fuel. 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.
- (2) The highlighted information concerns the contract rates paid for coal. The disclosure of this information would 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 and Rule 25-22.006, Florida Administrative Code.
- (3) The highlighted information contains specific fuel hedging details. The data for 2007 and 2008 can be used to calculate current commodity hedge pricing therefore the knowledge of this information would allow the opportunity for market manipulation through transactions made in anticipation of the company's entry into the market. This type of information on a commodity has been recognized by the Commission on numerous occasions to constitute proprietary confidential business information and the knowledge of this information would increase the price of fuel paid by Tampa Electric's customers as well as the price paid by the company to hedge the customers' price of fuel. 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.
- (4) 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



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

**James D. Beasley
P.O. Box 391
Tallahassee FL 32302**

Re: Acknowledgement of Confidential Filing in Docket No. 100001-EI

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on October 6, 2010, in the above-referenced docket.

Document Number 08361-10 has been assigned to this filing, which 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.