

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

RECEIVED BY SC

11 APR 11 PM 3:55

COMMISSION  
CLERK

April 11, 2011

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 02410-11, 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. 110001-EI

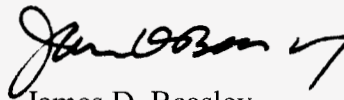
Dear Ms. Cole:

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 regarding portions of its answers to the Florida Public Service Commission Staff's First Set of Interrogatories No. 1.

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

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

COM \_\_\_\_\_  
APA 1  
ECR 3  
GCL 1  
RAD \_\_\_\_\_  
SSC \_\_\_\_\_  
ADM \_\_\_\_\_  
OPC \_\_\_\_\_  
CLK 1

DOCUMENT NUMBER-DATE

02409 APR 11 =

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. 110001-EI

FILED: April 11, 2011

**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's answers to the Florida Public Service Commission Staff's First Set of Interrogatories (No. 1), a single copy of which is being simultaneously filed with the Commission on a confidential basis under a separate transmittal letter. Bates Stamp pages 3, 4 and 5 contain certain information ("Confidential Information") highlighted in yellow. 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

DOCUMENT NUMBER-DATE

02409 APR 11 =

FPSC-COMMISSION CLERK

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 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 11<sup>th</sup> day of April 2011.

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 11<sup>th</sup> day of April 2011 to the following:

Ms. Jennifer Crawford\*  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. Michael Barrett\*  
Division of Economic Regulation  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. John T. Burnett  
Ms. Dianne M. Triplett  
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

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

Ms. Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 S. Monroe St., Suite 618  
Tallahassee, FL 32301

Allan Jungels, Capt, ULFSC  
c/o AFLSA/JACL-ULFSC  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5319

Mr. Tom Geoffroy  
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. Kenneth Hoffman  
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. Robert Scheffel Wright  
Mr. John T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301


Mr. Randy B. Miller  
White Springs Agricultural Chemicals, Inc.  
Post Office Box 300  
White Springs, FL 32096

Ms. Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

Mr. James W. Brew  
Mr. F. Alvin Taylor  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, D.C. 20007-5201

Mr. Patrick K. Wiggins  
Post Office Drawer 1657  
Tallahassee, FL 32302

Mr. Dan Moore  
AFFIRM  
316 Maxwell Road, Suite 400  
Alpharetta, GA 30009

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF  
HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO  
STAFF'S FIRST SET OF INTERROGATORIES (FILED APRIL 11, 2011)**

<u>Bates Page No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
3,4,5	The Highlighted Information	(1)

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- (1) The information contained on the listed pages contains specific fuel hedging pricing. 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.

**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 \_\_\_\_\_



REDACTED

REDACTED

TAMPA ELECTRIC COMPANY  
DOCKET NO. 110001-EI  
STAFF'S FIRST SET OF  
INTERROGATORIES  
INTERROGATORY NO. 1  
PAGE 3 OF 5  
FILED: APRIL 11, 2011

Mar-06	2,887,766	24,798,115	(1,362,660)	26,160,775	8.59	9.06
Apr-06	5,027,487	42,572,774	(3,219,540)	45,792,314	8.47	9.11
May-06	5,448,152	48,641,586	(5,156,780)	53,798,366	8.93	9.87
Jun-06	5,329,954	41,479,797	(9,499,350)	50,979,147	7.78	9.56
Jul-06	5,541,211	41,207,991	(9,859,660)	51,067,651	7.44	9.22
Aug-06	5,778,992	52,464,834	(5,082,530)	57,547,364	9.08	9.96
Sep-06	4,785,258	39,665,432	(5,361,780)	45,027,212	8.29	9.41
Oct-06	5,309,146	37,925,995	(14,380,850)	52,306,845	7.14	9.85
Nov-06	4,024,967	34,329,835	(3,577,320)	37,907,155	8.53	9.42
Dec-06	2,986,323	23,986,544	(2,125,020)	26,111,564	8.03	8.74
Jan-07	2,779,205	19,998,836	(11,121,120)	31,119,956	7.20	11.20
Feb-07	4,804,862	42,383,779	(6,988,180)	49,371,959	8.82	10.28
Mar-07	4,865,026	39,917,904	(4,277,970)	44,195,874	8.21	9.08
Apr-07	5,129,416	46,342,924	(865,100)	47,208,024	9.03	9.20
May-07	5,859,493	52,293,707	(1,011,910)	53,305,617	8.92	9.10
Jun-07	5,512,581	50,889,427	(779,570)	51,668,997	9.23	9.37
Jul-07	6,035,362	52,303,735	(3,671,380)	55,975,115	8.67	9.27
Aug-07	6,451,160	53,620,872	(7,452,500)	61,073,372	8.31	9.47
Sep-07	5,526,157	41,449,098	(9,818,000)	51,267,098	7.50	9.28
Oct-07	5,203,258	42,104,684	(4,955,230)	47,059,914	8.09	9.04
Nov-07	3,145,348	27,833,915	(3,143,670)	30,977,585	8.85	9.85
Dec-07	4,065,347	35,542,393	(5,606,890)	41,149,283	8.74	10.12
Jan-08	4,952,280	42,049,927	(4,622,710)	46,672,637	8.49	9.42
Feb-08	3,531,736	32,669,372	(2,695,930)	35,365,302	9.25	10.01
Mar-08	2,774,327	29,338,474	553,250	28,785,224	10.57	10.38
Apr-08	4,573,838	51,628,528			11.29	10.46
May-08	6,103,368	78,478,443			12.86	10.64
Jun-08	5,874,776	80,693,651			13.74	11.30

REDACTED

TAMPA ELECTRIC COMPANY  
DOCKET NO. 110001-EI  
STAFF'S FIRST SET OF  
INTERROGATORIES  
INTERROGATORY NO. 1  
PAGE 4 OF 5  
FILED: APRIL 11, 2011

Jul-08	4,586,907	72,786,963		15.87	10.93
Aug-08	5,655,623	63,820,630		11.28	11.26
Sep-08	5,869,209	60,733,186		10.35	11.02
Oct-08	3,581,826	35,116,361		9.80	12.00
Nov-08	3,791,151	29,307,353		7.73	10.16
Dec-08	4,705,760	35,176,802		7.48	9.28
Jan-09	4,472,374	31,430,272		7.03	9.67
Feb-09	5,091,488	28,048,685		5.51	8.88
Mar-09	5,648,433	28,021,138		4.96	8.03
Apr-09	4,194,502	20,735,452		4.94	8.92
May-09	6,511,364	29,635,503		4.55	7.99
Jun-09	6,754,660	32,561,257		4.82	7.48
Jul-09	7,112,009	35,377,724		4.97	7.54
Aug-09	6,659,526	30,511,415		4.58	7.22
Sep-09	5,622,355	23,204,815		4.13	7.56
Oct-09	5,747,035	26,215,771		4.56	6.85
Nov-09	2,906,655	16,562,886		5.70	8.48
Dec-09	4,307,603	24,036,446		5.58	8.69
Jan-10	6,279,331	46,540,525		7.41	8.09
Feb-10	5,552,378	35,064,337		6.32	7.20
Mar-10	3,457,509	21,119,769		6.11	7.71
Apr-10	4,822,245	24,352,931		5.05	6.42
May-10	6,440,429	34,434,333		5.35	6.33
Jun-10	6,268,450	32,191,361		5.14	6.22
Jul-10	5,678,013	33,918,103		5.97	7.03
Aug-10	6,296,163	38,132,005		6.06	6.73
Sep-10	6,191,941	30,286,166		4.89	6.22
Oct-10	5,105,134	25,014,920		4.90	6.12

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INTERROGATORY NO. 1  
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Nov-10	2,457,708	11,825,567		4.81	6.79
Dec-10	4,466,039	23,421,311		5.24	6.10
<b>Total</b>	<b>432,114,067</b>	<b>\$3,389,774,401</b>	<b>\$(292,649,992)</b>	<b>\$3,682,424,393</b>	

- <sup>1</sup> Data in columns A, D and F ties to schedule A-3 of Tampa Electric's monthly A-schedules.
- <sup>2</sup> B = D + C
- <sup>3</sup> Hedge settlement total represents the savings or losses filed in Tampa Electric's Annual Risk Management True-Up Reports.
- <sup>4</sup> E = B / A

b. The statistical calculations for the data set in subpart (a) are as follows:

<b>Weighted Average Price</b>	<b>\$ 8.72</b>	<b>\$ 8.87</b>
<b>Variance</b>	<b>6.76</b>	<b>3.41</b>
<b>Standard Deviation</b>	<b>2.60</b>	<b>1.85</b>

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May-09	6,511,364	29,635,503		4.55	7.99
Jun-09	6,754,660	32,561,257		4.82	7.48
Jul-09	7,112,009	35,377,724		4.97	7.54
Aug-09	6,659,526	30,511,415		4.58	7.22
Sep-09	5,622,355	23,204,815		4.13	7.56
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- <sup>1</sup> Data in columns A, D and F ties to schedule A-3 of Tampa Electric's monthly A-schedules.  
<sup>2</sup> B = D + C  
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<sup>4</sup> E = B / A

b. The statistical calculations for the data set in subpart (a) are as follows:

<b>Weighted Average Price</b>	<b>\$ 8.72</b>	<b>\$ 8.87</b>
<b>Variance</b>	<b>6.76</b>	<b>3.41</b>
<b>Standard Deviation</b>	<b>2.60</b>	<b>1.85</b>

## **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. 110001-EI**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on April 11, 2011, in the above-referenced docket.

Document Number 02410-11 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.