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RECEIVED-FPSC

11 OCT 17 PM 3: 20

COMMISSION
CLERK

October 17, 2011

HAND DELIVERED

claim of confidentiality
notice of intent
X request for confidentiality
filed by OPC

For DN 07604, which
is in locked storage. You must be
authorized to view this DN.-CLK

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

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 seven (7) copies of Tampa
Electric Company's Request for Confidential Classification and Motion for Temporary
Protective Order regarding Staff's Audit Work Papers pursuant to Audit Control No. 11-129-2-3.

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 _____
ECR _____
GCL _____
RAD _____
SRC _____
ADM _____
OPC _____
CLK _____

DOCUMENT NUMBER-DATE

07604 OCT 17 =

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: October 17, 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)

Audit Work Papers pursuant to Audit Control No. 11-129-2-3. 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 of the public utility or its affiliates to contract for goods or services on favorable terms."

DOCUMENT NUMBER - DATE

07604 OCT 17 =

FPSC-COMMISSION CLERK

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

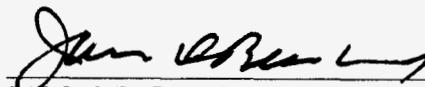
6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the company is in need of confidential 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 17th day of October 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 17th day of October 2011 to the following:

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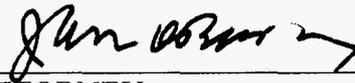
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ATTORNEY

**JUSTIFICATIONS FOR CONFIDENTIAL
TREATMENT OF HIGHLIGHTED PORTIONS OF
TAMPA ELECTRIC'S DOCUMENTS SELECTED AS AUDIT
WORK PAPERS PURSUANT TO AUDIT CONTROL NO. 11-129-2-3**

<u>Work Papers:</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
2	Highlighted Information	2	(1)
44, page 1 of 2	Highlighted Information	1	(1)
44-1	Highlighted Information	1	(1)
44-2, page 1 of 24	All Information on Page	1	(1)
44-2, page 3 of 24	All Information on Page	1	(1)
44-2, page 5 of 24	All Information on Page	1	(1)
44-2, page 7 of 24	All Information on Page	1	(1)
44-2, page 9 of 24	All Information on Page	1	(1)
44-2, page 11 of 24	All Information on Page	1	(1)
44-2, page 13 of 24	All Information on Page	1	(1)
44-2, page 15 of 24	All Information on Page	1	(1)
44-2, page 17 of 24	All Information on Page	1	(1)
44-2, page 19 of 24	All Information on Page	1	(1)
44-2, page 21 of 24	All Information on Page	1	(1)
44-2, page 23 of 24	All Information on Page	1	(1)
44-2, page 2 of 24	Highlighted Information	1	(1)
44-2, page 4 of 24	Highlighted Information	1	(1)
44-2, page 6 of 24	Highlighted Information	1	(1)
44-2, page 8 of 24	Highlighted Information	1	(1)
44-2, page 10 of 24	Highlighted Information	1	(1)
44-2, page 12 of 24	Highlighted Information	1	(1)
44-2, page 14 of 24	Highlighted Information	1	(1)
44-2, page 16 of 24	Highlighted Information	1	(1)
44-2, page 18 of 24	Highlighted Information	1	(1)
44-2, page 20 of 24	Highlighted Information	1	(1)
44-2, page 22 of 24	Highlighted Information	1	(1)
44-2, page 24 of 24	Highlighted Information	1	(1)
44-3	All Information on Page	10	(1)
46, page 3 of 9	Highlighted Information	1	(1)
46, page 4 of 9	Highlighted Information	1	(1)
46, page 7 of 9	Highlighted Information	1	(1)
61	Highlighted Information	2	(1)
63-2, page 2 of 2	All Information on Page	1	(3)
63-6, page 7 of 11	Highlighted Information	1	(1)
63-7, page 10	Highlighted Information	1	(1)
63-7, page 11 of 18	Highlighted Information	1	(1)
63-7, page 13 of 18	Highlighted Information	1	(1)

<u>Work Papers:</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
63-7, page 14 of 18	Highlighted Information	1	(1)
63-8, page 23 of 24	Highlighted Information	1	(1)
64, page 9 of 27	Highlighted Information	1	(1)
64, page 10 of 27	Highlighted Information	1	(1)
64, page 14 of 27	Highlighted Information	1	(1)
64, page 16 of 27	Highlighted Information	1	(2)
64, page 22 of 27	Highlighted Information	1	(1)
64, page 25 of 27	Highlighted Information	1	(1)
64, page 26 of 27	Highlighted Information	1	(1)

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- (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 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) will be submitted under a separate filing 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