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April 2, 2012

HAND DELIVERED

RECEIVED FPSC
APR - 2 PM 2:00
COMMISSION
CLERK

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. 120001-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 its answers to the Florida Public Service Commission Staff's First Request for Production of Documents 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

COM	JDB/pp
APA	Enclosure
ECR	<u>1</u>
GCL	cc: <u>3</u> All parties of record (w/enc.)
RAD	<u>1</u>
SRC	<u>1</u>
ADM	_____
OPC	_____
CLK	<u>MM</u>

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

For DN 01985-12 which is in locked storage. You must be authorized to view this DN.-CLK

DOCUMENT NUMBER 0477

01984 APR-2 2

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. 120001-EI

FILED: April 2, 2012

**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 Request for Production of Documents (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 2 - 267 contain certain information ("Confidential Information") printed 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 be exempt from s. 119.07(1), Florida Statutes [requiring disclosure under the Public Records

DOCUMENT NUMBER - DATE
01984 APR-2 2012
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 proprietary 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 2nd day of April 2012.

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 2nd day of April 2012 to the following:

Ms. Martha F. Barrera*
Ms. Lisa C. Bennett
Staff Attorney
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Florida Public Service Commission
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Tallahassee, FL 32399-0850

Mr. John T. Burnett
Associate General Counsel
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Mr. Russell A. Badders
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Post Office Box 300
White Springs, FL 32096

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Senior Assistant Attorney General
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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



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL
TREATMENT OF TAMPA ELECTRIC'S RESPONSES TO
STAFF'S FIRST SET OF PRODUCTION OF DOCUMENTS (FILED APRIL 2, 2012)**

<u>Bates Stamp Page No.</u>	<u>POD No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
2-267	1	All of the Information on the Listed Pages	(1), (2)

-
- (1) The information listed in the production of documents contains bid information provided in response to Tampa Electric's Request for Proposals as well as 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.
 - (2) The highlighted information reveals the contractual rates for transportation services. Disclosing this information would harm Tampa Electric's position in determining rates for future transportation contracts since the providers bid responses might be influenced if they had knowledge of previous or current contract rates, 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 _____

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power)	DOCKET NO. 120001-EI
Cost Recovery Clause with)	FILED: April 2, 2011
Generating Performance Incentive)	
Factor)	

REDACTED

**TAMPA ELECTRIC COMPANY'S
ANSWERS TO FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS (NO. 1)
OF
FLORIDA PUBLIC SERVICE COMMISSION STAFF**

Tampa Electric files this its Answers to Production of Documents (No. 1) propounded and served on March 1, 2012, by the Florida Public Service Commission Staff.

**TAMPA ELECTRIC COMPANY
DOCKET NO. 120001-EI
INDEX TO STAFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS (NO. 1)**

<u>Number</u>	<u>Subject</u>	<u>Bates Stamped Page</u>
1	Please provide a complete copy of all coal supply agreements ("coal contracts") that TECO signed in 2011.	1 - 267

**TAMPA ELECTRIC COMPANY
DOCKET NO. 120001-EI
STAFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS
DOCUMENT NO. 1
BATES STAMPED PAGES: 1 - 267
FILED: APRIL 2, 2012**

1. Please provide a complete copy of all coal supply agreements ("coal contracts") that TECO signed in 2011.
 - A. The confidential coal supply agreements signed by Tampa Electric in 2011 are attached.

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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BATES STAMPED PAGES: 1 - 267
FILED: APRIL 2, 2012**

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 - A. The confidential coal supply agreements signed by Tampa Electric in 2011 are attached.

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