

# AUSLEY & McMULLEN

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June 20, 2012

HAND DELIVERED

RECEIVED-FPSC  
12 JUN 20 PM 2: 24  
COMMISSION  
CLERK

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

Re: Petition for approval of new environmental program for cost recovery through  
Environmental Cost Recovery Clause by Tampa Electric Company;  
Docket No. ~~T10262-EI~~

120000-07


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 a one page document entitled "TECO 2017 RFP Bid List Summary" containing Staff notes on review of RFP process.

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

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APA \_\_\_\_\_  
ECR 4 JDB/pp  
GCL 1 Enclosure  
RAD \_\_\_\_\_  
SRC \_\_\_\_\_  
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GPC \_\_\_\_\_  
CLK MM

cc: Charles Murphy (w/enc.)  
Patti Christensen (w/enc.)

COMMUNICATIONS SECTION

04048 JUN 20 12

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of new )  
environmental program for cost recovery )  
through Environmental Cost Recovery Clause )  
by Tampa Electric Company. )  
\_\_\_\_\_ )

120000-07  
DOCKET NO. ~~TT0262-EI~~  
FILED: June 20, 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)**

One page document entitled "TECO 2017 RFP Bid List Summary" containing Staff notes on review of RFP responses. 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."

DOCUMENTAL RECORDS UNIT

04048 JUN 20 2012

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 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 20<sup>th</sup> day of June, 2012.

Respectfully submitted,



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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 20<sup>th</sup> day of June, 2012 to the following:

Mr. Charles Murphy\*  
Senior Attorney  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Ms. Patricia A. Christensen  
Associate Public Counsel  
Office of Public Counsel  
111 West Madison Street, Room 810  
Tallahassee, FL 32399-0850

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF  
HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC'S REPORT**

<b><u>Page</u></b>	<b><u>Description</u></b>	<b><u>Rationale</u></b>
1 of 1	All information contained on the page	(1)

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- (1) The information in question is FPSC Staff notes of review of confidential RFP responses which provide details about the identity of the responder, size and location of the generating resource, fuel source, in-service data and notes about other details of the responses. This information was tendered on a confidential basis by various responders. Public disclosure of the information would violate the terms and conditions under which the proposals were submitted and could disadvantage Tampa Electric and its customers in future efforts to obtain proposals from potential power suppliers who would not make proposals for fear that details regarding their offerings might be made public. The competitive nature inherent in the RFP process dictates that RFP responses be treated as confidential information to encourage open and free competitive responses. This is information of a type Section 366.093, Florida Statutes, and the Commission's implementing Rule 25-22.006, Florida Administrative Code, are designed to protect from public disclosure.

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

# TECO 2017 RFP Bid List Summary

Company	Size (MW)	Location	Fuel Source	In-Service Date	Additional Notes
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# TECO 2017 RFP Bid List Summary

Company	Size (MW)	Location	Fuel Source	In-Service Date	Additional Notes
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## **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:

Tampa Electric needs to have the confidential information protected from public disclosure for at least 18 months, with a request that the document be returned to Tampa Electric once this matter is closed.