

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

May 6, 2013

HAND DELIVERED

Ms. Ann Cole, Director
Office 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 02522-13, which
is in locked storage. You must be
authorized to view this DN.-CLK

RECEIVED-FPSC
13 MAY -6 PM 4:23
COMMISSION
CLERK

Re: Petition for Rate Increase by Tampa Electric Company
FPSC Docket No. 130040-EI

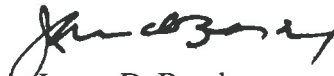
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order pertaining to answers to Office of Public Counsel's First Request for Production of Documents Nos. 1, 3, 10, 11 and 12.

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 _____
AFD 1
APA 1
ECO 11
ENG _____
GCL 1
IDM _____
TEL _____
CLK 1

DOCUMENT NUMBER-DATE

02521 MAY-6 2013

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase)
by Tampa Electric Company.)
_____)

DOCKET NO. 130040-EI

FILED: May 6, 2013

**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 Document(s)

Bates stamp pages 1660-1685, 5816, 5835 & 5847, 5873-5874 & 7633-7668, 7674-7774 and 7776-7797 produced in response to Office of Public Counsel's Frist Request for Production of Documents filed on a confidential basis in the above matter. 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

02521 MAY-6 2013

FPSC-COMMISSION CLERK

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 6th day of May, 2013.

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

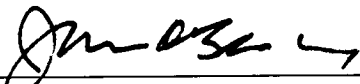
I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification and Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 6th day of May, 2013 to the following:

Martha Barrera*
Martha Brown
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
mbarrera@psc.state.fl.us
mbrown@psc.state.fl.us

J. R. Kelly, Public Counsel
Patricia G. Christensen
Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
kelly.jr@leg.state.fl.us
christensen.patty@leg.state.fl.us

Jon C. Moyle, Jr.
Moyle Law Firm, P.A.
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com

Robert Scheffel Wright
John T. Lavia, III
Gardner, Bist, Wiener, Wadsworth, Bowden,
Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL
TREATMENT OF HIGHLIGHTED PORTIONS
OF TAMPA ELECTRIC'S RESPONSES TO OPC'S FIRST
SET OF PRODUCTION OF DOCUMENTS (FILED MAY 6, 2013)**

<u>POD Request No.</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
1	1660-1685	All Information on Listed Pages	(1)
3	5816	All Information on Listed Pages	(2)
3	5835 & 5847	All Information on Listed Pages	(3)
3 and 10	5873-5874 7633-7668	All Information on Listed Pages	(4)
11 and 12	7674-7774 7776-7797	All Information on Listed Pages	(5)

-
- (1) The information discloses in great detail Tampa Electric Company's tax obligations. Public disclosure of this information would provide in minute detail the company's tax positions regarding timing differences and deductions. As such, this information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. This type of information has been recognized by the Commission on numerous occasions to constitute proprietary confidential business information the disclosure of which would be harmful to the competitive interests of Tampa Electric since tax returns contain sensitive information not available publicly.
- (2) The information contained on the listed pages includes Tampa Electric's specific customer account information. The disclosure of the account information could allow other customers to gain a competitive advantage by analyzing the pricing and usage patterns of the listed accounts. As such, public disclosure of the information contained on these pages would adversely affect the competitive interests of the listed accounts and their 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.
- (3) The information contained on the listed pages contains the contractual proprietary work product of Tampa Electric's consultant, Moody's Analytics, "Moody's". The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to gather and update the information and develop methods of analysis. This information is in the nature of a trade secret owned by Moody's. It is also in the nature of information relating to competitive interests, the disclosure of which would impair Moody's competitive business interests by diminishing

the demand for Moody's proprietary work product. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), Florida Statutes

- (4) The information contained on the listed pages contains the proprietary compensation agreements and incentive plans of Tampa Electric. The disclosure of this sensitive information would adversely impact the company's ability to negotiate prospective labor agreements. The information relates to competitive interests, the disclosure of which would impair the company's business interests by diminishing its ability to contract future labor agreements at favorable terms. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), Florida Statutes.
- (5) The information contained on the listed pages contains the proprietary work product of Tampa Electric's actuary, Mercer. The disclosure of this information could allow duplication of the actuary's work without compensation for the actuary's efforts to gather and update the information and develop methods of analysis. This information is in the nature of a trade secret owned by Mercer. It is also in the nature of information relating to competitive interests, the disclosure of which would impair Mercer's competitive business interests by diminishing the demand for Mercer's proprietary work product. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) 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 _____

Public Version(s) of the Document(s) would be entirely redacted and, therefore, are not being supplied.

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 therefore is set forth below:

n/a