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June 19, 2013

HAND DELIVERED

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

RECEIVED-FPSC  
13 JUN 19 PM 1:01  
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 its response to Office of Public Counsel's Eighth Request for Production of Documents (Nos. 83 and 84)(Bates stamp pages 2-42 and 44-45).

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	_____ 12
ENG	_____
GCL	_____ 1
IDM	_____
TEL	_____
CLK	_____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 130040-EI

FILED: June 19, 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 2-42 and 44-45 in response to Office of Public Counsel's Eighth 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 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 19<sup>th</sup> day of June, 2013.

Respectfully submitted,



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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 electronic, overnight mail or hand delivery (\*) on this 19<sup>th</sup> day of June, 2013 to the following:

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Martha Brown  
Suzanne Brownless  
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\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL  
TREATMENT OF HIGHLIGHTED PORTIONS  
OF TAMPA ELECTRIC'S RESPONSES TO OPC'S EIGHTH  
SET OF PRODUCTION OF DOCUMENTS (FILED JUNE 19, 2013)**

<b><u>POD Request No.</u></b>	<b><u>Bates Page Nos.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
83	2-42	All Information on Listed Pages	(1)
84	44-45	All Information on Listed Pages	(2)

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- (1) The information contained on the listed pages contains information about the contract terms and rates that were paid for rate case consulting services under Tampa Electric's contracts with different consultants used in the company's rate case filing. This information is competitive contractual information, the disclosure of which would be harmful to the position of the hired consultants in negotiating future contracts with other clients. Disclosing this information would also harm Tampa Electric's position in determining rates for future rate case consulting contracts since the providers rates might be influenced if they had knowledge of the previous or current contract rates. The disclosure of this information would therefore be harmful to the consultant's competitive interests and to the ability of Tampa Electric to contract for goods and services on favorable terms, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.
- (2) 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