

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

September 1, 2015

HAND DELIVERED

15 SEP - 1 PM 2:55
H. J. ...

Ms. Carlotta S. Stauffer
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. 150001-EI

Dear Ms. Stauffer:

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 of portions of the Direct Testimony of J. Brent Caldwell (pages 9, 10 and 14).

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	<u>2</u>
APA	_____
ECO	<u>1</u>
ENG	<u>1</u>
GCL	<u>2</u>
IDM	<u>1</u>
TEL	_____
CLK	_____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased)
Power Cost Recovery Clause)
and Generating Performance)
Incentive Factor.)
_____)

DOCKET NO. 150001-EI

FILED: September 1, 2015

**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)

Portions of the Direct Testimony of J. Brent Caldwell, a single copy of which is being simultaneously filed with the Commission on a confidential basis under a separate transmittal letter. Pages 9, 10, and 14 contain certain information ("Confidential Information") highlighted in yellow. 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" is a notification that public versions of the above-described document is being filed this date with the Commission electronically.

4. The Confidential Information contained in the above-described 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 1st day of September 2015.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
ASHLEY M. DANIELS
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 electronic mail on this 1st day of September 2015, to the following:

Ms. Suzanne S. Brownless
Ms. Danijela Janjic
Mr. John Villafrate
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
sbrownle@psc.state.fl.us
Djanjic@psc.state.fl.us
JVillafr@psc.state.fl.us

Ms. Patricia A. Christensen
Mr. Erik Sayler
Associate Public Counsel
Office of Public Counsel
111 West Madison Street – Room 812
Tallahassee, FL 32399-1400
christensen.patty@leg.state.fl.us
sayler.erik@leg.state.fl.us

Ms. Dianne M. Triplett
Duke Energy Florida, Inc.
299 First Avenue North
St. Petersburg, FL 33701
Dianne.triplett@duke-energy.com

Mr. Matthew R. Bernier
Senior Counsel
Duke Energy Florida, Inc.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740
Matthew.bernier@duke-energy.com

Mr. Jon C Moyle, Jr.
Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com

Ms. Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 S. Monroe St., Suite 601
Tallahassee, FL 32301
bkeating@gunster.com

Mr. John T. Butler
Assistant General Counsel - Regulatory
Florida Power & Light Company
700 Universe Boulevard (LAW/JB)
Juno Beach, FL 33408-0420
john.butler@fpl.com

Mr. Kenneth Hoffman
Vice President, Regulatory Relations
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859
ken.hoffman@fpl.com

Mr. Mike Cassel
Regulatory and Governmental Affairs
Florida Public Utilities Company
Florida Division of Chesapeake Utilities Corp.
1750 SW 14th Street, Suite 200
Fernandina Beach, FL 32034
mcassel@fpuc.com

Mr. Robert L. McGee, Jr.
Regulatory and Pricing Manager
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780
rlmcgee@southernco.com

Mr. Jeffrey A. Stone
Mr. Russell A. Badders
Mr. Steven R. Griffin
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32591-2950
jas@beggslane.com
rab@beggslane.com
srg@beggslane.com

Mr. Robert Scheffel Wright
Mr. 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

Mr. James W. Brew
Mr. Owen J. Kopon
Ms. Laura A. Wynn
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, D.C. 20007-5201
jbrew@smxblaw.com
ojk@smxblaw.com
laura.wynn@smxblaw.com

Mr. Raoul G. Cantero
White Law Firm
Southeast Financial Center, Suite 4900
200 South Biscayne Boulevard
Miami, FL 33131-2352
rcantero@whitecase.com



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL
TREATMENT OF CONFIDENTIAL INFORMATION CONTAINED IN THE
PREPARED TESTIMONY OF J. BRENT CALDWELL FILED SEPTEMBER 1, 2015**

<u>Testimony Page No.</u>	<u>Description</u>	<u>Rationale</u>
Page 9, line 6	All Yellow Highlighted Information	(1)
Page 9, line 7	All Yellow Highlighted Information	(1)
Page 9, line 11	All Yellow Highlighted Information	(1)
Page 9, line 12	All Yellow Highlighted Information	(1)
Page 9, line 13	All Yellow Highlighted Information	(1)
Page 9, line 17	All Yellow Highlighted Information	(1)
Page 9, line 19	All Yellow Highlighted Information	(1)
Page 9, line 23	All Yellow Highlighted Information	(1)
Page 10, line 2	All Yellow Highlighted Information	(1)
Page 10, line 3	All Yellow Highlighted Information	(1)
Page 10, line 5	All Yellow Highlighted Information	(1)
Page 10, line 6	All Yellow Highlighted Information	(2)
Page 10, line 20	All Yellow Highlighted Information	(1)
Page 10, line 22	All Yellow Highlighted Information	(1)
Page 14, line 9	All Yellow Highlighted Information	(2)
Page 14, line 10	All Yellow Highlighted Information	(1)
Page 14, line 11	All Yellow Highlighted Information	(1)
Page 14, line 12	All Yellow Highlighted Information	(1)

-
- (1) The highlighted information contained on the listed pages contains information about the terms or price of one of Tampa Electric's confidential fuel purchase contracts. This information, either on its own or in conjunction with publicly available information, reveals competitive, contractual information, the disclosure of which would be harmful to the competitive interests of Tampa Electric and the other party to the contract in negotiating future contracts on favorable terms. As such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.
 - (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.

(1)

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) in question are being separately filed this date electronically X

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