

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

April 29, 2016

HAND DELIVERED

RECEIVED-FPSC
2016 APR 29 AM 9:16
COMMISSION
CLERK

Ms. Carlotta Stauffer, Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause
and Generating Performance Incentive Factor
FPSC Docket No. 160001-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 Specified Confidential Treatment and Motion for Temporary Protective Order relating to portions of Forms 423-2, 423-2(a) and 423-2(b) for the months of December 2015, January 2016, and February 2016.

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,


Ashley M. Daniels

COM
AFD 3
APA
ECO
ENG
GCL
IDM
TEL
CLK

AMD/ne
Enclosures

cc: All Parties of Record (w/enc.)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 160001-EI

FILED: April 29, 2016

**TAMPA ELECTRIC COMPANY'S
REQUEST FOR SPECIFIED CONFIDENTIAL TREATMENT
AND MOTION FOR TEMPORARY PROTECTIVE ORDER**

Pursuant to §366.093, Fla. Stat., Tampa Electric Company ("Tampa Electric" or "the company") submits the following Request for Specified Confidential Treatment and Motion for Temporary Protective Order relating to the company's Forms 423-2, 423-2(a) and 423-2(b) for the months of December 2015, January 2016, and February 2016.

1. Attached hereto is a detailed Justification for the requested confidential treatment of the highlighted portions of Tampa Electric's 423 Forms for each of the months of December 2015, January 2016, and February 2016.

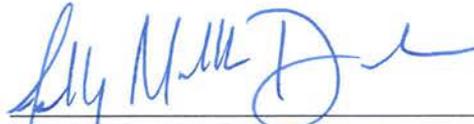
2. Tampa Electric requests that the information for which Tampa Electric seeks confidential classification not be declassified until 24 months after the issuance of the Commission Order disposing of this quarterly request. This time period is necessary to allow Tampa Electric to negotiate future contracts without its competitors (and other Customers) having access to information which would adversely affect the ability of Tampa Electric to negotiate future contracts. The period of time requested will ultimately protect Tampa Electric and its Customers.

3. The material for which classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

WHEREFORE, Tampa Electric submits this quarterly Request for Confidential Treatment and Motion for Temporary Protective Order relating to the information contained in the attached Justification.

DATED this 29th day of April 2016.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'James D. Beasley', is written over a horizontal line.

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 copy of the foregoing Request for Specified Confidential Treatment and Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been furnished by hand delivery(*) or electronic mail on this 29th day of April, 2016 to the following:

Ms. Suzanne Brownless*
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
sbrownle@psc.state.fl.us

Ms. Patricia A. Christensen
Associate Public Counsel
Office of Public Counsel
111 West Madison Street – Room 812
Tallahassee, FL 32399-1400
christensen.patty@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

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



ATTORNEY

Request for Specified Confidential Treatment
Justification for December 2015-February 2016

Docket No. 160001-EI

Page 1 of 10

FORM 423-2

Plant Name/Lines	Column	Justification
United Bulk Terminal	G	(11) Disclosure of the effective purchase price “would impair the efforts of Tampa Electric to contract for goods or services on favorable terms.” Section 366.093(3)(d), Fla Stat. Additionally, prohibiting the purchase price would enable one to ascertain the total transportation charges by subtracting the effective price from the delivered price at the transfer facility, shown in Column I. Any competitor with knowledge of the total transportation charges would be able to use that information in conjunction with the published delivered price at the United Bulk Terminal Transfer Facility to determine the segmented transportation costs, i.e., the separate breakdown of transportation charges for river barge transport and for deep water transportation across the Gulf of Mexico from the transfer facility to Tampa. It is this segmented transportation cost data which is proprietary and confidential. The disclosure of the segmented transportation costs would have a direct impact on Tampa Electric's future fuel and transportation contracts by informing potential bidders of current prices paid for services provided. That harm, which would flow to Tampa Electric and its Customers from such disclosure, was the subject of Prepared Direct Testimony of Mr. John R. Rowe, Jr. on behalf of Tampa Electric from September 29, 1986, in Docket No. 860001-EI-D (“Rowe Testimony”).
Big Bend Station		
1-3 December		
1-2 January		
1-2 February		
Big Bend Station		
1-5 December		
1-5 January		
1-5 February		
United Bulk Terminal		
Transfer Facility Polk Station		
1-2 December		
1-3 January		
1-3 February		
Polk Station		
1 December		
1 January		
1 February		

In the Commission's Order No. 12645 issued in Docket No. 830001-EU on November 3, 1983 (In re: Investigation of Fuel Adjustment Clauses of Electric Utilities), the Commission prescribed the current 423 Form filings. In so doing, the Commission observed:

Next, we must determine whether any portion of the monthly reports should be accorded confidential treatment. We agree that certain portions of the confidential information. However, many portions of the monthly reports will not. The proprietary information

Request for Specified Confidential Treatment
Justification for December 2015-February 2016

Docket No. 160001-EI

Page 2 of 10

FORM 423-2

Plant Name/Lines

Column Justification

for all types of fuel is transportation. Any breakout of transportation costs must be treated confidentially. In addition, F.O.B. mine prices for coal is proprietary in nature as is the price of fuel oil. Disclosure of separate transportation or F.O.B. mine prices would have a direct impact on a utility's future fuel and transportation contracts by informing potential bidders of current prices paid for services. Disclosure of fuel oil prices would have an indirect effect upon bidding suppliers. Suppliers would be reluctant to provide significant price concessions to an individual utility if prices were disclosed because other purchasers would seek similar concessions.

The vigorous competition discussed in Mr. Rowe's earlier testimony, as recognized by the Commission, justifies proprietary confidential treatment of the information in Column G.

Disclosure of this information "would impair the efforts of Tampa Electric to contract for goods and services on favorable terms." Section 366.093(3)(d), Fla. Stat. This information would inform other potential suppliers as to the price Tampa Electric is willing to pay for coal. This would give present and potential coal suppliers information which could be harmful to Tampa Electric's interests in negotiating coal supply agreements. This is much the same as paragraph (1) under Form 423-1(a) regarding No. 2 oil suppliers.

Request for Specified Confidential Treatment
Justification for December 2015-February 2016

Docket No. 160001-EI

Page 3 of 10

FORM 423-2

Plant Name/Lines	Column	Justification
United Bulk Terminal	H	(12) The disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. As was stated in (1), Columns G and H both need confidential protection because disclosure of either column will enable competitors to determine the segmented transportation charges. Accordingly, the same reasons discussed in (1) likewise apply with regard to Column H.
Big Bend Station		
1-3 December		
1-2 January		
1-2 February		
Big Bend Station		
1-5 December		
1-5 January		
1-5 February		
United Bulk Terminal		
Transfer Facility Polk Station		
1-2 December		
1-3 January		
1-3 February		
Polk Station		
1 December		
1 January		
1 February		

Request for Specified Confidential Treatment
Justification for December 2015-February 2016

Docket No. 160001-EI

Page 4 of 10

FORM 423-2(a)		
Plant Name/Lines	Column	Justification
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	G	(13) This column discloses the value of shorthaul and loading charges on a \$/Ton basis, which is a negotiated price the disclosure of which would adversely impact Tampa Electric in future negotiations for this component of the overall price, which, in turn, would adversely impact Tampa Electric's customers.
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	H	(14) If the original invoice price is made public, one can subtract the original invoice price from the publicly disclosed delivered price at the United Bulk Terminal Transfer Facility and thereby determine the segmented river transportation cost. Disclosure of the river transportation cost "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station). <i>See also</i> Rowe Testimony.

Request for Specified Confidential Treatment
Justification for December 2015-February 2016

Docket No. 160001-EI

Page 5 of 10

FORM 423-2(a)		
Plant Name/Lines	Column	Justification
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	J	(15) This information, like that contained in Column H, would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed delivered price at the United Bulk Terminal Transfer Facility. This would be done by subtracting the base price per ton from the delivered price at United Bulk Terminal, thereby revealing the river barge rate. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station). <i>See also</i> Rowe Testimony
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	L	(16) This information, if publicly disclosed, would enable a competitor to back into the segmented waterborne transportation costs using the already publicly disclosed delivered price of coal at the United Bulk Terminal Transfer Facility. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station). <i>See also</i> Rowe Testimony

Request for Specified Confidential Treatment
Justification for December 2015-February 2016

Docket No. 160001-EI

Page 6 of 10

FORM 423-2(b)		
Plant Name/Lines	Column	Justification
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	G	(17) Disclosure of the effective purchase price in Column G "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Such disclosure would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed delivered price for coal at the United Bulk Terminal Transfer Facility. This would be done by subtracting the effective purchase price per ton from the price per ton delivered at United Bulk Terminal, thereby revealing the river barge rate. Additional justification appears in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station). <i>See also</i> Rowe Testimony. Such disclosure would also adversely affect Tampa Electric's ability to negotiate future coal supply contracts.
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	H	(18) This column discloses the value of additional shorthaul and loading charges on a \$/Ton basis, which is a negotiated price the disclosure of which would adversely impact Tampa Electric in future negotiations for this component of the overall price, which, in turn, would adversely impact Tampa Electric's customers.

Request for Specified Confidential Treatment
Justification for December 2015-February 2016

Docket No. 160001-EI

Page 7 of 10

FORM 423-2(b)		
Plant Name/Lines	Column	Justification
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	I	(19) Disclosure of the rail rate per ton would adversely affect the ability of Tampa Electric to negotiate favorable rail rates. Disclosure of the rail rates paid would effectively eliminate any negotiating leverage and could lead to higher rail rates. This would work to the ultimate detriment of Tampa Electric and its customers. Accordingly, disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat.
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	J	(20) This column discloses the value of other rail charges on a \$/Ton basis, which is a negotiated price the disclosure of which would adversely impact Tampa Electric in future negotiations for this component of the overall price, which, in turn, would adversely impact Tampa Electric's customers.

Request for Specified Confidential Treatment
Justification for December 2015-February 2016

Docket No. 160001-EI

Page 8 of 10

FORM 423-2(b)		
Plant Name/Lines	Column	Justification
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	K	(21) These columns contained information the disclosure of which "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Each of these columns provides specific information on segmented transportation costs which are the primary objects of this request. Additional justification appears in paragraph (1) of the rationale for confidentiality for Column G on 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station). <i>See also</i> Rowe Testimony
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	L	(22) See item (21) above.

Request for Specified Confidential Treatment
Justification for December 2015-February 2016

Docket No. 160001-EI

Page 9 of 10

FORM 423-2(b)		
Plant Name/Lines	Column	Justification
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	M	(23) See item (21) above.
United Bulk Terminal Big Bend Station 1-3 December 1-2 January 1-2 February Big Bend Station 1-5 December 1-5 January 1-5 February United Bulk Terminal Transfer Facility Polk Station 1-2 December 1-3 January 1-3 February Polk Station 1 December 1 January 1 February	N	(24) See item (21) above.

Request for Specified Confidential Treatment
Justification for December 2015-February 2016

Docket No. 160001-EI

Page 10 of 10

FORM 423-2(b)		
Plant Name/Lines	Column	Justification
United Bulk Terminal	O	(25) See item (21) above.
Big Bend Station		
1-3 December		
1-2 January		
1-2 February		
Big Bend Station		
1-5 December		
1-5 January		
1-5 February		
United Bulk Terminal		
Transfer Facility Polk Station		
1-2 December		
1-3 January		
1-3 February		
Polk Station		
1 December		
1 January		
1 February		
United Bulk Terminal	P	(26) See item (21) above.
Big Bend Station		
1-3 December		
1-2 January		
1-2 February		
Big Bend Station		
1-5 December		
1-5 January		
1-5 February		
United Bulk Terminal		
Transfer Facility Polk Station		
1-2 December		
1-3 January		
1-3 February		
Polk Station		
1 December		
1 January		
1 February		