

# 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

October 6, 2017

HAND DELIVERED

Ms. Carlotta S. Stauffer  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RECEIVED - FPSC  
2017 OCT -6 AM 11:42  
COMMISSION  
CLERK

Re: Fuel and Purchased Power Cost Recovery Clause with Generating  
Performance Incentive Factor; FPSC Docket No. 20170001-EI

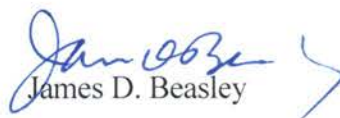
Dear Ms. Stauffer:

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 regarding Audit Work Papers pursuant to Audit Control No. 17-048-2-2.

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 |  
APA | 3 |  
ECO |  
ENG |  
GCL |  
IDM |  
CLK |

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20170001-EI

FILED: October 6, 2017

**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)**

Audit Workpapers pursuant to Audit Control No. 17-048-2-2. 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 6<sup>th</sup> day of October 2017.

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 electronic mail on this 6<sup>th</sup> day of October, 2017 to the following:

Ms. Suzanne S. Brownless  
Ms. Danijela Janjic  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)  
[Djanjic@psc.state.fl.us](mailto:Djanjic@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](mailto:christensen.patty@leg.state.fl.us)  
[sayler.erik@leg.state.fl.us](mailto:sayler.erik@leg.state.fl.us)

Ms. Dianne M. Triplett  
Associate General Counsel  
Duke Energy Florida, LLC  
299 First Avenue North  
St. Petersburg, FL 33701  
[Dianne.triplett@duke-energy.com](mailto:Dianne.triplett@duke-energy.com)

Mr. Matthew R. Bernier  
Senior Counsel  
Duke Energy Florida, LLC  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740  
[Matthew.bernier@duke-energy.com](mailto:Matthew.bernier@duke-energy.com)

Mr. Jon C Moyle, Jr.  
Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

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

Mr. John T. Butler  
Assistant General Counsel – Regulatory  
Ms. Maria Jose Moncada  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard (LAW/JB)  
Juno Beach, FL 33408-0420  
[john.butler@fpl.com](mailto:john.butler@fpl.com)  
[maria.moncada@fpl.com](mailto:maria.moncada@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](mailto: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](mailto:mcassel@fpuc.com)

Mr. Jeffrey A. Stone  
General Counsel  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0100  
[jastone@southernco.com](mailto:jastone@southernco.com)

Mr. Russell A. Badders  
Mr. Steven R. Griffin  
Beggs & Lane  
Post Office Box 12950  
Pensacola, FL 32591  
[rab@beggslane.com](mailto:rab@beggslane.com)  
[srg@beggslane.com](mailto:srg@beggslane.com)

Ms. Rhonda J. Alexander  
Regulatory, Forecasting & Pricing Manager  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780  
[rjalexad@southernco.com](mailto:rjalexad@southernco.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](mailto:jbrew@smxblaw.com)  
[laura.wynn@smxblaw.com](mailto:laura.wynn@smxblaw.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](mailto:Schef@gbwlegal.com)  
[Jlavia@gbwlegal.com](mailto:Jlavia@gbwlegal.com)

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATIONS FOR CONFIDENTIAL  
TREATMENT OF HIGHLIGHTED PORTIONS OF  
TAMPA ELECTRIC'S DOCUMENTS SELECTED AS AUDIT  
WORK PAPERS PURSUANT TO AUDIT CONTROL NO. 17-048-2-2**

<b><u>Work Papers:</u></b>	<b><u>Detailed Description</u></b>	<b><u>No. of Pages</u></b>	<b><u>Rationale</u></b>
2.15 through 2.17	Highlighted Information	3	(1)
2.26	Highlighted Information	1	(1)
44	Highlighted Information	1	(1)
44.1 through 44.11	Highlighted Information	11	(1)
45	Highlighted Information	1	(1)
45-1	All Information on Page	1	(1)
45-1.1 through 45-1.25	All Information on Page	25	(1)
56	Highlighted Information	1	(1)
57.7	Highlighted Information	1	(1)

- 
- (1) The information contains specific details about natural gas hedged volumes or percentages, pricing and/or counterparties. This type of information about a commodity has been recognized by the Commission on numerous occasions to constitute proprietary confidential business information. Knowledge of this information would allow the opportunity for market manipulation through transactions made in anticipation of the company's entry into the market. Market manipulations based on knowledge of the highlighted information would increase the price of fuel paid by Tampa Electric's customers as well as the price paid by the company to hedge the customers' price of fuel. This is the specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law.

**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) will be submitted under a separate filing   X  

Public Version(s) of the Document(s) previously filed on \_\_\_\_\_



**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