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February 8, 2019

**VIA: ELECTRONIC FILING**

Mr. Adam J. Teitzman  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

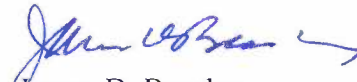
Re: Petition for approval of a small meter opt-out tariff, by Tampa Electric Company;  
FPSC Docket No. 20190024-EI

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order regarding its response to portions of Staff's First Data Request Nos. 11, 15 and 16. The confidential version of the company's response to No. 15 and a Confidential CD containing an Excel Spreadsheet responsive to Nos. 11 and 16 are being separately filed on a confidential basis.

Thank you for your assistance in connection with this matter.

Sincerely,

  
James D. Beasley

JDB/pp  
Attachment

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of a smart )  
Meter opt-out tariff, by Tampa Electric )  
Company )  
\_\_\_\_\_ )

DOCKET NO. 20190024-EI

FILED: January 8, 2019

**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)**

Yellow highlighted portions of Staff's First Data Request No. 15 and a Confidential CD containing an Excel Spreadsheet supplied in response to Data Request Nos. 11 and 16 (the "Confidential Information"). 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 propriety 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 8<sup>th</sup> day of January, 2019.

Respectfully submitted,

  
\_\_\_\_\_  
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Ausley McMullen  
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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 mail on this 8<sup>th</sup> day of January, 2019 to the following:

Ms. Johana Nieves  
Senior Attorney  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[jnieves@psc.state.fl.us](mailto:jnieves@psc.state.fl.us)

Office of Public Counsel  
J. R. Kelly  
Public Counsel  
Ms. Mireille Fall-Fry  
Associate Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
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[fallfry.mireille@leg.state.fl.us](mailto:fallfry.mireille@leg.state.fl.us)

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF  
HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC'S RESPONSE  
TO STAFF'S FIRST DATA REQUEST FILED FEBRUARY 8, 2019**

**Data Request No. 15**

<b><u>Bates Page No.</u></b>	<b><u>Line Nos.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
26	1-4	Request No. 15	(1)
26	6	Request No. 15	(2)

**Excel Spreadsheet Supplied in Response to Data Request Nos. 11 and 16**

<b><u>Bates Page Nos.</u></b>	<b><u>Line Nos.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
		The Entire CD	(3)

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- (1) Disclosure of the Tampa Electric labor rates would harm Tampa Electric's interests by disclosing to other potential employers the rates the company pays its employees. Such disclosure could arm other potential employers with information that would help them hire away Tampa Electric's skilled and trained employees, to the company's detriment. As such, the highlighted hourly rates constitute confidential information, the disclosure of which would impair Tampa Electric's efforts to contract for its employees services on favorable terms and, thus, is entitled to protection under Section 366.093(3)(d), Florida Statutes. The information in question also constitutes confidential information relating to competitive business interests the disclosure of which would impair the competitive business of Tampa Electric. As such, the information is entitled to protection under Section 366.093(3)(d), Florida Statutes.
  - (2) Disclosure of contractors' hourly rates would adversely impact the contractor in the same manner as the disclosure of Tampa Electric's labor rates would adversely affect Tampa Electric. Consequently the contractor hourly rate is confidential information entitled to protection under Section 366.093(3)(d) and (e), Florida Statutes. Disclosure of contractor hourly rate information would also provide other potential contractors with information as to the hourly rate Tampa Electric has agreed to pay to a contractor, thus providing valuable information to other contractors when they bid on work for Tampa Electric. Such disclosure would, likewise, harm Tampa Electric's ability to contract for goods and services on favorable terms.

- (3) The CD entitled “(BS 13) TEC NSMR Cost Analysis.xlsx”, at the Labor Rates tab of that spreadsheet, provides total hourly rates for various Tampa Electric and contractor positions as well as the data with which to derive the total hourly rates. All of this information constitutes proprietary confidential business information for the same rationale as the information supplied is response to Data Request No. 15, which rationale is incorporated herein by reference. Because the confidential total hourly rates are contained on one tab of an electronic spreadsheet, the entire spreadsheet CD is entitled to confidential treatment because the hourly rates portion cannot be protected without treating the entire CD as confidential information.

**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