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September 12, 2019

**VIA: ELECTRONIC FILING**

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

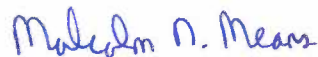
Re: Petition by Tampa Electric Company for a limited proceeding to approve Third SoBRA effective January 1, 2020; Docket No. 20190136-EI

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Motion for a Temporary Protective Order regarding its answers to Citizens' First Set of Interrogatories (Nos. 1-4).

Thank you for your assistance in connection with this matter.

Sincerely,



Malcolm N. Means

MNM/pp  
Attachment

cc: Service List (w/attachment)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Tampa Electric Company )  
for a limited proceeding to approve Third SoBRA )  
effective January 1, 2020 )  
\_\_\_\_\_ )

DOCKET NO. 20190136-EI

FILED: September 12, 2019

**TAMPA ELECTRIC COMPANY'S  
MOTION FOR A TEMPORARY PROTECTIVE ORDER**

Tampa Electric Company (“Tampa Electric” or “the company”) pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, hereby moves the Commission for entry of a temporary protective order exempting from Section 119.07(1), Florida Statutes; certain information requested by the Office of Public Counsel (“OPC”) through discovery, and for the protection of that information against public disclosure pending OPC’s review of it. In support of its Motion the company says:

1. On August 23, 2019 OPC served “Citizens’ First Set of Interrogatories to Tampa Electric Company (Nos. 1-4).”
2. Interrogatories No. 1 and No. 3 request the following information:
  1. For the Little Manatee River Project, please state the following dollar amounts broken down **by vendor**:
    - a. Engineering, procurement and construction contract costs;
    - b. Developer costs;
    - c. Solar panel costs.
  3. For the Wimauma Project, please state the following dollar amounts broken down **by vendor**:
    - a. Engineering, procurement and construction contract costs;
    - b. Developer costs;
    - c. Solar panel costs.

3. The responses to Interrogatories 1 and 3 contain contractual pricing data. This information is confidential proprietary business information entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes, in that it contains:

(d) information concerning bids or other 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.

(e) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. (Section 366.093(3)(d) and (e), Florida Statutes)

4. Interrogatory No. 4 asks Tampa Electric to provide dollar amounts associated with various costs for the Wimauma Project. Subpart (a) requests engineering, procurement and construction costs. Subpart (h) requests installation labor and equipment costs. Subpart (k) requests costs associated with inverters. Subpart (l) requests costs associated with solar modules.

5. Tampa Electric's responses to Interrogatory No. 4, Subparts (a), (h), (k), and (l) contain confidential proprietary business information entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes, in that they contain, among other things:

(d) information concerning bids or other 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.

(e) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. (Section 366.093(3)(d) and (e), Florida Statutes)

6. Public disclosure of the information in question would adversely affect the economic interests of Tampa Electric and its customers.

7. Rule 25-22.006, Florida Administrative Code, provides for protection of this type of information when a utility allows Public Counsel to inspect or take possession of such information in the course of discovery. Subsection (6)(c) of this rule states:

(c) When a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from Section 119.07(1), F.S. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

8. Tampa Electric requests a temporary protective order in order to allow OPC access to the confidential portions of the Interrogatory Responses, while simultaneously protecting the economic interests of Tampa Electric and its customers from the harm that would result from public disclosure of the above-referenced confidential information.

9. Tampa Electric is prepared to furnish OPC access to the requested information. The company maintains the information in question is in a confidential form and has not disclosed it publicly.

WHEREFORE, Tampa Electric moves the Commission for entry of a temporary protective order allowing it to provide access to OPC to the confidential portions of the Interrogatory Responses while maintaining the confidential nature of that information.

DATED this 12<sup>th</sup> day of September 2019.

Respectfully submitted,

*Malcolm N. Means*

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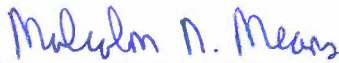
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion, filed on behalf of Tampa Electric Company, has been furnished by electronic mail on this 12<sup>th</sup> day of September 2019 to the following:

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ATTORNEY