

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 30, 2020

HAND DELIVERED

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

RECEIVED-FPSC
2020 APR 30 PM 4:54
COMMISSION
CLERK

Re: NEW DOCKET; In re: Petition of Tampa Electric Company to True-up First and Second SoBRAs

Dear Mr. Teitzman:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's First Request for Confidential Classification and Motion for Temporary Protective Order of portions of Jeffrey S. Chronister's Exhibit No. ___ (JSC-1) and Mark D. Ward's Exhibit No. ___ (MDW-1).

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

(Don't please 4/30)

Thank you for your assistance in connection with this matter.

Sincerely,

J. Jeffrey Wahlen

JJW/ne
Enclosure

cc: Service List (w/enc.)

COM ___
AFD ___
APA ___
ECO ___
ENG 6
GCL 1
IDM ___
CLK ___

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric Company)
To True-Up First and Second SoBRAs)
_____)

Docket No. 2020____-EI
Filed: April 30, 2020

**TAMPA ELECTRIC COMPANY'S
FIRST 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" all of said confidential information being hereinafter referred to as "Confidential Information."

Description of the Document(s)

Those portions of Tampa Electric's witnesses Jeffrey S. Chronister's Exhibit No. ____ (JSC-1) and Mark Ward's Exhibit No. ____ (MDW-1) that are highlighted in yellow and stamped "CONFIDENTIAL" which are being submitted this date in the above docket. 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.

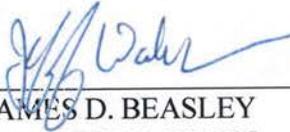
Requested Duration of Confidential Classification

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 30th day of April, 2020.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
MALCOLM N. MEANS
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 First 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 30th day of April, 2020 to the following:

Office of Public Counsel
J. R. Kelly
Public Counsel
Charles Rehwinkel
Associate Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
kelly.jr@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us

The Florida Industrial Power Users Group
Jon C. Moyle, Jr.
Moyle Law Firm
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com

WCF Hospital Utility Alliance
Mark Sundback
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Avenue, NW, Suite 100
Washington, DC 20006-6801
msundback@sheppardmullin.com

Federal Executive Agencies
Thomas Jernigan
AFLOA/JACL-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403
thomas.jernigan.3@us.af.mil

Florida Retail Federation
Robert Scheffel Wright
Gardner, Bist, Bowden, Bush, Dee,
LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF
HIGHLIGHTED PORTIONS OF
JEFFREY S. CHRONISTER'S EXHIBIT NO. ___ (JSC-1) AND MARK D. WARD'S
EXHIBIT NO. ___ (MDW-1) FILED April 30, 2020**

<u>Bates Stamp Page No.</u>	<u>Document No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
Exhibit of Jeffrey S. Chronister:			
24	2	All Yellow Highlighted Information	(1)
Exhibit of Mark D. Ward:			
34-40	1-7	All Yellow Highlighted Information	(2)

- (1) The information listed in the exhibit contains bid related information provided in response to Tampa Electric's Request for Information. The disclosure of this information would be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes and Rule 25-22.006, Florida Administrative Code. More specifically, the highlighted information reflects the names of solar contractors that paid liquidated damages to Tampa Electric and the amounts paid, which amounts were negotiated by Tampa Electric as discussed in Mr. Chronister's direct testimony. Public disclosure of this information will impair the ability of Tampa Electric to enter into future solar development contracts with these and other solar developers on favorable terms and conditions.
- (2) The information listed in the exhibit contains contract terms or prices or bid information provided in response to Tampa Electric's Request for Information. The disclosure of this information would be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes and Rule 25-22.006, Florida Administrative Code.

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