

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

June 1, 2020

HAND DELIVERED

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

Re: Review of 2020-2029 Storm Protection Plan Pursuant to Rule 25-6.030, F.A.C.,
Tampa Electric Company; FPSC Docket No. 20200067-EI

Dear Mr. Teitzman:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification regarding Commission Staff's request of May 28, 2020, to inspect these confidential documents. Tampa Electric hereby requests confidential classification of these documents so that it may produce them to Staff while retaining confidential treatment for the documents.

COM _____
AFD _____
APA _____
ECO 6 and 2 CDs
 Redacted
ENG _____
GCL 1
IDM _____
CLK _____

Also enclosed are three CDs as follows:

1. Two Redacted Documents (**Two CDs enclosed**).
 - a. (BS 73) Redacted OPC POD 76 – Lateral Underground Cost Estimation Workpaper.
 - b. (BS 137) Redacted TECO SPP DRAFT Framework & Results – 3-26-2020.
2. Two **Confidential** (unredacted/highlighted) Versions of the Documents (**One CD enclosed**).

Thank you for your assistance in connection with this matter.

Sincerely,

Malcolm N. Means

Malcolm N. Means

Enclosures

cc: All Parties of Record

2020 JUN -1 PM 1:55
RECEIVED-FPSC
COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Review of 2020-2029 Storm Protection) DOCKET NO. 20200067-EI
Plan pursuant to Rule 25-6.030, F.A.C.,)
Tampa Electric Company) FILED: June 1, 2020

**TAMPA ELECTRIC COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests 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.").

Introduction

On April 28, 2020, Tampa Electric served the Office of Public Counsel ("OPC") with its responses to OPC's Second Request for Production of Documents. *See* Notice of Service, Document No. 02253-2020. That same day, Tampa Electric produced documents responsive to these Requests to OPC. One of these responsive documents, a PowerPoint presentation produced in response to OPC's Request No. 24, contains confidential information. Tampa Electric filed a Motion for Temporary Protective Order covering this document. *See* Document No. 02256-2020.

On May 11, 2020, Tampa Electric served OPC with its responses to OPC's Sixth Request for Production of Documents. *See* Notice of Service, Document No. 02501-2020. That same day, Tampa Electric produced documents responsive to those Requests to OPC. One of these responsive documents, an Excel file produced in response to OPC's Request No. 76, contains

confidential information. Tampa Electric filed a Motion for Temporary Protective Order covering this document. *See* Document No. 02502-2020.

On May 28, 2020, Commission Staff requested asked to inspect these confidential documents. Tampa Electric hereby requests confidential classification of these documents so that it may produce them to Staff while retaining confidential treatment for the documents.

Description of the Document(s)

The information for which confidential treatment is requested is highlighted in yellow on slide 56 in the document titled “(BS 137) TECO SPP DRAFT Framework & Results – 3-26-2020,” and the information highlighted in yellow in columns X through AR of the tab “Project Cost Estimates” and column D in the tab “Unit Replacement Rates” in the document titled “(BS 73) OPC POD 76 – Lateral Underground Cost Estimation Workpaper.” 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 proprietary 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 these 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. As noted above, Tampa Electric previously moved for a Temporary Protective Order governing these same documents for the same reasons stated herein. *See* Document Nos. 02256-2020, 02502-2020 filed in Docket No. 2020067-EI.

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 1st day of June, 2020.

Respectfully submitted,



JAMES D. BEASLEY
jbeasley@ausley.com
J. JEFFRY WAHLEN
jwahlen@ausley.com
MALCOLM N. MEANS
mmeans@ausley.com
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 Motion, filed on behalf of Tampa Electric Company, has been furnished by electronic mail on this 1st day of June 2020 to the following:

Mr. Charles Murphy
Attorney
Office of General Counsel
Florida Public Service Commission
Room 390L – Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
CMurphy@psc.state.fl.us
RDziehc@psc.state.fl.us

Mr. J. R. Kelly
Mireille Fall-Fry
Office of Public Counsel
111 West Madison Street – Room 812
Tallahassee, FL 32399-1400
kelly.jr@leg.state.fl.us
fall-fry.mireille@leg.state.fl.us

Stephanie Eaton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

Derrick Price Williamson
Spilman Thomas & Battle, PLLC
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com

Katie Chiles Ottenweller
Vote Solar
151 Estoria Street, SE
Atlanta, GA 30316
katie@votesolar.org



ATTORNEY

JUSTIFICATION FOR CONFIDENTIAL TREATMENT

<u>(BS 137) TECO SPP DRAFT Framework & Results</u>		
<u>Slide Number</u>	<u>Detailed Description</u>	<u>Rationale</u>
56	The Highlighted Information	(1)

<u>(BS 73) OPC POD 76 – Lateral Underground Cost Estimation Workpaper</u>			
<u>Tab</u>	<u>Columns</u>	<u>Detailed Description</u>	<u>Rationale</u>
Project Cost Estimates	X through AR	The Highlighted Information	(2)
Unit Replacement Rates	D	The Highlighted Information	(2)

(1) The information consists of reactive storm replacement costs. These are the costs to replace equipment following a hurricane that Tampa Electric and 1898 developed based in part on actual, historical pricing data from previous storm events. This information is confidential proprietary business information entitled to protection against public disclosure pursuant to Section 366.093(1)(d)-(e), Florida Statutes. The Commission has recognized, on numerous occasions, that this type of contractual information constitutes proprietary confidential business information, the disclosure of which would be harmful to Tampa Electric’s ability to contract for goods and services on favorable terms and, likewise, harmful to the competitive interests of Tampa Electric and the party with which it contracts. This is the specific type of information described in Section 366.093(1)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law. This information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

(2) The information consists of Tampa Electric’s estimates of the cost to convert overhead lateral lines to underground. Tampa Electric and 1898 developed these cost estimates by using the company’s GIS to estimate the length of each lateral and the number of assets on each lateral and then multiplying this total by unit cost estimates based on supplier information and previous undergrounding projects. This unit cost information is confidential proprietary business information entitled to protection against public disclosure pursuant to Section 366.093(1)(d)-(e), Florida Statutes. The Commission has recognized, on numerous occasions, that this type of contractual information constitutes proprietary confidential business information, the disclosure of which would be harmful to Tampa Electric’s ability to contract for goods and services on favorable terms and, likewise, harmful to the competitive interests of Tampa Electric and the party with which it contracts. This is the specific type of information described in Section 366.093(1)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law. This information is entitled to confidential protection pursuant to Section 366.093, 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) attached 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