

State of Florida



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** May 5, 2021

**TO:** Charles W. Murphy, Senior Attorney, Office of the General Counsel

**FROM:** Dale R. Buys, Public Utilities Supervisor, Division of Accounting & Finance *DAB*

**RE:** Staff recommendation on confidentiality of certain highlighted information in Exhibit KDM-1, Document 4, Bates page 27, and Document 7, Bates pages 39-63, attached to the direct testimony of Tampa Electric Company's witness Kenneth D. McOnie.

CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO: 20210034-EI; DOCUMENT NO: 03539-2021

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On April 16, 2021, Tampa Electric Company (Tampa Electric or the Company) filed its request for confidential classification and request for a temporary protective order pursuant to Section 366.093(3)(d) and (e) of the Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C), for information contained in Exhibit KDM-1, Document Nos. 4 and 7 attached to the direct testimony of Tampa Electric witness Kenneth D. McOnie.

Tampa Electric claims that the information is intended to be and is treated by the Company as private and has not been publicly disclosed. The information in the documents contains the proprietary work product of S&P Global Market Intelligence (S&P). The information is proprietary research that is only available to subscribers of S&P's news, research and data products. The Company claims that public disclosure would be inconsistent with the terms of the subscription and could impair the ability of Tampa Electric to access this and other similar information. Public disclosure would also impair S&P's competitive interests. The Company claims this constitutes "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" and "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

Staff reviewed the material included in the exhibits and concurs that the information is only available by subscription to S&P products. In staff's opinion, the Company's request meets the criteria for confidentiality set forth in Section 366.093(3)(d) and (e), F.S. Therefore, staff recommends that the Tampa Electric's request for confidential classification of the information contained in Document No. 03539-2021 be approved.