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June 28, 2021

VIA: ELECTRONIC FILING

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

Re: Docket 20210034-EI, Petition for Rate Increase by Tampa Electric Company

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Motion for a Temporary Protective Order regarding its response to Office of Public Counsel's Third Set of Interrogatories (Nos. 61-75) and Third Request for Production of Documents (Nos. 34-40), propounded and served by electronic mail on June 3, 2021.

Thank you for your assistance in connection with this matter.

Sincerely,



Malcolm N. Means

MNM/ne
Attachment

cc: All parties of record (w/attachment)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase)
by Tampa Electric Company)
_____)

DOCKET NO. 20210034-EI
FILED: June 28,2021

**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 requests that the Commission issue a temporary protective order exempting from Section 119.07(1), Florida Statutes, certain information specified herein as 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 this date, Tampa Electric Company has served its response to the Office of Public Counsel’s Third Set of Interrogatories (Nos. 61-75) and Third Request for Production of Documents (Nos. 34-40) (“OPC Discovery Requests”) by posting its answers, responses, and responsive documents (collectively “Response”) on a virtual Share Point site that is accessible by OPC. The company believes that all or portions of its Response specified on Exhibit “A” constitute “proprietary confidential business information,” and has designated it as such by (1) highlighting it in yellow and (2) placing it in a segregated area of the Share Point site for confidential information. Tampa Electric considers the highlighted information in its Response to be “proprietary confidential business information” that is entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes, because it reflects information in one or more of these categories:

(b) internal auditing controls and reports of internal auditors

(d) [information] 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)

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

3. Rule 25-22.006, Florida Administrative Code, provides for protection of this type of information when a utility allows OPC 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.

4. Tampa Electric requests a temporary protective order in order to allow OPC access to the highlighted confidential information posted on the Share Point site as part of its Response while 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. Tampa Electric will work cooperatively with OPC to identify confidential information to be used at the final hearing in this docket and to request confidential classification as specified in the rule. To the extent that prefiling of confidential documents is required, Tampa Electric and the OPC have

further committed to work out a process to maintain both confidentiality of the information and preservation of the litigation rights of the respective parties consistent with Commission precedent. Furthermore, the parties have both agreed that the efficiency underlying this arrangement is not expected to require the closure of public access to hearings and that they will vigorously preserve confidentiality in accordance with applicable law while taking all reasonable steps to accomplish necessary litigation in a manner that does not require closure of hearings.

5. Tampa Electric maintains the highlighted information produced to OPC in response to its requests in a confidential form and has not disclosed it publicly.

WHEREFORE, Tampa Electric requests that the Commission issue a Temporary Protective Order allowing it to provide OPC the confidential information described above while maintaining the confidential nature of that information.

DATED this 28th day of June 2021.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

Exhibit A

OPC's Third Set of Interrogatories				
Request	Witness	Electronic File Name	Description	Bates Stamped Pages
66. Provide the actual appraised value of the land purchased for Future Solar by project site.	David Sweat	OPC_IRR_66_bates	Land Market Survey Documents	20-264

OPC's Third Request for Production of Documents				
Request	Witness	Electronic File Name	Description	Bates Stamped Pages
35. Provide a copy of all studies and analyses performed by or for Emera and TECO that address the value, benefit, and cost or otherwise quantify the effects of transferring the centralized service functions from TECO Services, Inc. to Tampa Electric Company on January 1, 2020.	Sloan Lewis Jeff Chronister	(BS_04) POD_35 No 5 TECO Affiliate Transactions Summary.xlsx	Proprietary information related to TSI	4
38. Provide the land contract for each future solar site in which the company has a purchase option, including but not limited to, the Wheeler Solar project and Palm River Dairy Solar project.	David Sweat	POD_38_CONFIDENTIAL_bates	Land Contracts for Future Solar Sites with a Purchase Option	109-544
39. Provide a copy of each property insurance policy held by TECO.	Edsel Carlson	POD_39_CONFIDENTIAL_bates	Proprietary insurance contract information.	546-2409
40. Provide a copy of the contract between TECO and the City of Tampa for the gunshot detection pilot program.	Regan Haines	POD_40_CONFIDENTIAL_bates	Contract between Tampa Electric and the City of Tampa – Gunshot Detection Pilot containing proprietary contractual information.	2411-2479

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been served by electronic mail on this 28th day of June, 2021 to the following:

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