

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

July 9, 2021

VIA: ELECTRONIC FILING

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

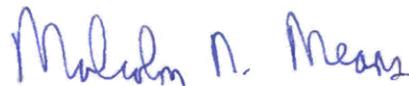
Re: Docket 20210034-EI, Petition for Rate Increase by Tampa Electric Company

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 West Central Florida Hospital Utility Alliance's First Set of Interrogatories (Nos. 1-70) and First Request for Production of Documents (Nos. 1-52), propounded and served by electronic mail on June 14, 2021.

Thank you for your assistance in connection with this matter.

Sincerely,



Malcolm N. Means

MNM/
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: July 9, 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 West Central Florida Hospital Utility Alliance’s (“HUA”) through discovery, and for the protection of that information against public disclosure pending the Office of Public Counsel’s (“OPC”) review of it. In support of its Motion, the company says:

1. On this date, Tampa Electric Company has served its response to the West Central Florida Hospital Utility Alliance’s First Set of Interrogatories (Nos. 1-70) and First Request for Production of Documents (Nos. 1-52) (“HUA Discovery Requests”) by posting its answers, responses, and responsive documents (collectively “Response”) on a virtual Share Point site that is accessible by both HUA and 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:

(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 the parties to this proceeding 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 parties to this proceeding have further committed to work out a process to maintain

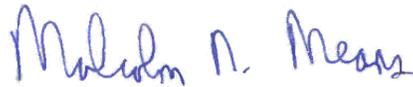
both confidentiality of the information and preservation of the litigation rights of the respective parties consistent with Commission precedent. Furthermore, the parties have both agreed that the efficiency underlying this arrangement is not expected to require the closure of public access to hearings 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 HUA and OPC in response to HUA's 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 with the confidential information described above while maintaining the confidential nature of that information.

DATED this 9th of July 2021.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
MALCOLM N. MEANS
jbeasley@ausley.com
jwahlen@ausley.com
mmeans@ausley.com
Ausley McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

Exhibit A

HUA'S First Request for Production of Documents				
Request	Witness	Electronic File Name	Description	Bates Stamped Pages
24. Please provide the capital structure of Emera, Inc., the parent holding company of Tampa Electric, for each quarter of the past two years.	McOnie	(BS17651) EMA debt to capital_CONF.xlsx	Capital structure of Emera, Inc. for 2019-2020.	17651
41. Regarding Petition at Paragraph 21. You indicate that Big Bend Unit 1 will be repowered as a new natural gas-fired combined cycle unit. Please explain if TECO compared the "carbon and environmental profile" (see Petition at Paragraph 19) of the retired Big Bend Unit 1 with the carbon and environmental profile of the re-powered Big Bend Unit 1. If so, please provide the results of that comparative analysis, and identify and provide copies of all workpapers, analyses, studies, and other documents relied upon to support your answer.	Caldwell	(BS 17680) HUA POD No. 41.xlsx	Comparison of emissions from Big Bend Unit 1 and repowered unit containing proprietary, confidential carbon pricing information purchased from a third party.	17680

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 9th day of July 2021 to the following:

Charles Murphy
Theresa Tan
Melinda Marzicol
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
cmurphy@psc.state.fl.us
ltan@psc.state.fl.us
mmarzico@psc.state.fl.us

Richard Gentry
Charles Rehwinkel
Anastacia Pirrello
Stephanie Morse
Mary Wessling
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
gentry.richard@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
pirrello.anastacia@leg.state.fl.us
morse.stephanie@leg.state.fl.us
wessling.mary@leg.state.fl.us

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

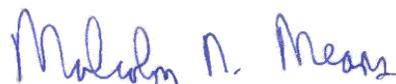
Barry A. Naum
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
bnaum@spilmanlaw.com

Florida Industrial Power Users Group
Jon Moyle
Karen Putnal
c/o Moyle Law Firm
118 N. Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

Federal Executive Agencies
Thomas A. Jernigan
Holly L. Buchanan, Maj, USAF
Scott L. Kirk, Maj, USAF
Arnold Braxton, TSgt, USAF
Ebony M. Payton
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
thomas.jernigan.3@us.af.mil
holly.buchanan.1@us.af.mil
scott.kirk.2@us.af.mil
arnold.braxton@us.af.mil
ebony.payton.ctr@us.af.mil

Mr. Robert Scheffel Wright
John LaVia, III
Gardner, Bist, Wiener, Wadsworth, Bowden,
Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308
shef@gbwlegal.com
jlavia@gbwlegal.com

WCF Hospital Utility Alliance
Mark F. Sundback
William M. Rappolt
Andrew P. Mina
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Ave., N.W., Suite 100
Washington, D.C. 20006-6801
msundback@sheppardmullin.com
wrappolt@sheppardmullin.com
amina@sheppardmullin.com



ATTORNEY