

# AUSLEY & McMULLEN

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August 13, 2021

**HAND DELIVERED**

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

Re: Petition by Tampa Electric Company for a Limited Proceeding to True-Up Third SoBRA; Docket No. 20210107-EI


Dear Mr. Teitzman:

Enclosed for filing in the above docket is Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order of portions of response to Staff's First Data Request Nos. 1-3.

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

Thank you for your assistance in connection with this matter.

Sincerely,

  
J. Jeffrey Wahlen

JJW/bmp  
Enclosure

cc: All Parties of Record (w/enc.)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Tampa Electric Company for )  
a Limited Proceeding to True-up Third SoBRA )

Docket No. 20210107-EI  
Filed: August 13, 2021

**TAMPA ELECTRIC COMPANY'S  
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 requests confidential classification of the Excel files submitted in response to discovery regarding the exhibits to the company's petition filed on May 27, 2021 in the above referenced docket, all of said confidential information being hereinafter referred to as "Confidential Information."

**Description of the Document(s)**

The Excel files enclosed in an envelope stamped "CONFIDENTIAL" are being provided in response to discovery related to the exhibits of Jeffrey S. Chronister (JSC-1) and Jose A. Aponte (JAA-1) and are titled "Third SoBRA Estimated Annual Revenue Requirements.xlsx" and "Third SoBRA True-up Annual Revenue Requirements.xlsx". The Excel files 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 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. 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.

4. 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**

5. 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 "B" 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 "B" 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 13th day of August 2021.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing 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 13th day of August, 2021 to the following:

Office of General Counsel  
Suzanne S. Brownless  
Senior Counsel  
Florida Public Service Commission  
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Attorney

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF  
EXCEL FILES PROVIDED IN RESPONSE TO DISCOVERY AND SUPPORTING TAMPA  
ELECTRIC'S PETITION FOR LIMITED PROCEEDING TO APPROVE TRUE-UP OF  
THIRD SoBRA (FILED MAY 27, 2021)**

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**Excel files supporting Exhibits of Jeffrey S. Chronister (JSC-1) and Jose A. Aponte (JAA-1):**

| <b><u>Bates Stamp</u></b> | <b><u>Exhibit No.</u></b> | <b><u>Excel File - Detailed Description</u></b>               | <b><u>Rationale</u></b> |
|---------------------------|---------------------------|---|-------------------------|
| <b><u>Page No.</u></b>    |                           |   |                         |
| <b>2</b>                  | <b>(JSC-1)</b>            | <b>Third SoBRA Estimated Annual Revenue Requirements.xlsx</b> | <b>(1)</b>              |
| <b>5</b>                  | <b>(JAA-1)</b>            | <b>Third SoBRA True-up Annual Revenue Requirements.xlsx</b>   | <b>(1)</b>              |

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- (1) The information listed in the exhibit contains bid related information provided in response to Tampa Electric's Request for Information or during contract negotiations with vendors. 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