

RECEIVED-FPSC

2021 SEP -1 PM 4:03

COMMISSION  
CLERK

# 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

September 1, 2021

**VIA HAND DELIVERY**

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

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

Dear Mr. Teitzman:

Enclosed for filing in the above docket is Tampa Electric Company's Request for Confidential Classification and Motion for Protective Order of certain information contained in the Company's Response to Staff's Fourth Data Request (Nos. 1-12), propounded on August 25, 2021, along with the accompanying CD which contains the redacted version of No. 11 (BS 13).

Thank you for your assistance in connection with this matter.

Sincerely,

Malcolm N. Means

MNM/ne  
Enclosure  
cc: All Parties of Record

COM \_\_\_\_\_  
AFD \_\_\_\_\_  
APA \_\_\_\_\_  
ECO 1 Redacted CD  
ENG \_\_\_\_\_  
GCL \_\_\_\_\_  
IDM \_\_\_\_\_  
CLK \_\_\_\_\_

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric Company )  
for an increase in its base rates and service )  
charges and other relief )  
\_\_\_\_\_ )

DOCKET NO.: 20210034-EI

FILED: September 1, 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 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.".

**Description of the Document(s)**

On September 1, 2021, Tampa Electric provided its responses to Staff's Fourth Data Request. The company's responses include a file which contains information that the company considers to be confidential. The information for which confidential treatment is requested is highlighted in yellow in the versions of the files included with this request. 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: (a) trade secrets; (b) internal auditing controls and reports of internal auditors; (c) security measures, systems, or procedures; (d) 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; (e) information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information; and (f) employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. §366.093(3)(a)-(f), Fla. Stat. 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 Documents.

3. Attached hereto as Exhibit "B" are two public versions of the Documents with the Confidential Information redacted, unless previously filed as indicated.

4. The Confidential Information contained in the Documents is intended to be and is treated by Tampa Electric as private and has not been publicly disclosed.

5. Each of the documents requested by Staff is subject to a Motion for Temporary Protective Order filed with the Commission in this docket pursuant to Rule 25-22.006(6)(a) of the Florida Administrative Code.

#### **Requested Duration of Confidential Classification**

6. Pursuant to Rule 25-22.006(9)(a), Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for 18 months. 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 18 months. 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 1<sup>st</sup> day of September, 2021.

Respectfully submitted,



---

JAMES D. BEASLEY

[jbeasley@ausley.com](mailto:jbeasley@ausley.com)

J. JEFFRY WAHLEN

[jwahlen@ausley.com](mailto:jwahlen@ausley.com)

MALCOLM N. MEANS

[mmeans@ausley.com](mailto: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 1<sup>st</sup> day of September, 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](mailto:cmurphy@psc.state.fl.us)  
[ltan@psc.state.fl.us](mailto:ltan@psc.state.fl.us)  
[mmarzico@psc.state.fl.us](mailto: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](mailto:gentry.richard@leg.state.fl.us)  
[rehwinkel.charles@leg.state.fl.us](mailto:rehwinkel.charles@leg.state.fl.us)  
[pirrello.anastacia@leg.state.fl.us](mailto:pirrello.anastacia@leg.state.fl.us)  
[morse.stephanie@leg.state.fl.us](mailto:morse.stephanie@leg.state.fl.us)  
[wessling.mary@leg.state.fl.us](mailto: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](mailto:seaton@spilmanlaw.com)

Barry A. Naum  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
[bnaum@spilmanlaw.com](mailto: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](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)  
[mqualls@moylelaw.com](mailto: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](mailto:thomas.jernigan.3@us.af.mil)  
[holly.buchanan.1@us.af.mil](mailto:holly.buchanan.1@us.af.mil)  
[scott.kirk.2@us.af.mil](mailto:scott.kirk.2@us.af.mil)  
[arnold.braxton@us.af.mil](mailto:arnold.braxton@us.af.mil)  
[ebony.payton.ctr@us.af.mil](mailto: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](mailto:shef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto: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](mailto:msundback@sheppardmullin.com)  
[wrappolt@sheppardmullin.com](mailto:wrappolt@sheppardmullin.com)  
[amina@sheppardmullin.com](mailto:amina@sheppardmullin.com)



---

ATTORNEY

## JUSTIFICATION FOR CONFIDENTIAL TREATMENT

<b>Document</b>	<b>Tab</b>	<b>Columns</b>	<b>Rows</b>	<b>Rationale</b>
(BS 13) Staff's 4 <sup>th</sup> Set of DRs No. 11_CONF.xlsx	ICF Forecasts	C	4-37	(1)
		F	8-37	

(1) – The highlighted information contained in these columns consists of the proprietary work product of Tampa Electric's consultant ICF, specifically carbon price forecasts. This information is in the nature of a trade secret owed by ICF. Furthermore, disclosure of this information would impair ICF's competitive business interests by diminishing the demand for ICF's proprietary work product. This information is protected by Section 366.093(3)(a) and (e) of the Florida Statutes.

**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	<u>    </u>
Public Version(s) of the Document(s) attached in CD format	<u>  X  </u>