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April 11, 2022

VIA: ELECTRONIC FILING

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

Re: Review of Storm Protection Plan, pursuant to Rule 25-6.030, F.A.C.,
Tampa Electric Company; Docket No. 20220048-EI

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 Citizens' First Request for Production of Documents (Nos. 1-3), propounded and served by electronic mail on March 22, 2022.

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: Review of Storm Protection Plan)
Pursuant to Rule 25-6.030., F.A.C.)
Tampa Electric Company)

DOCKET NO.: 20220048-EI

FILED: April 11, 2022

**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 the 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 Citizens’ First Set of Interrogatories (Nos. 1-32) and First Request for Production of Documents (Nos. 1-3) (“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) labeling it as such and (2) placing it in a segregated area of the Share Point site for confidential information. Tampa Electric considers the designated 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 designated 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 designated 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 pre-filing 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

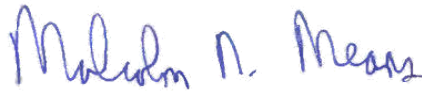
efficiency underlying this arrangement is not expected to require the closure of public access to hearings and that they will vigorously preserve confidentiality in accordance with applicable law while taking all reasonable steps to accomplish necessary litigation in a manner that does not require closure of hearings.

5. Tampa Electric maintains the highlighted information produced to OPC in response to OPC'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 11th day of April, 2022.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

Exhibit A

OPC'S First Request for Production of Documents		
Request	Electronic File Names	Description
<p>1. Please provide all analyses and source documents prepared in support of the Company's application, testimony, and expert reports in this proceeding before or contemporaneous with its filing, including all Excel workbooks in live format with all formulas intact in searchable and unlocked format.</p>	<ul style="list-style-type: none"> • (BS 17) CSA and DCA 2022 HM • (BS 18) CSA and DCA 2022 • (BS 20) ESA and SHA 2022 HM • (BS 21) ESA and SHA 2022 • (BS 25) WHA and PCA 2022 HM • (BS 26) WHA and PCA 2022 • (BS 28) WSA 2022 HM • (BS 29) WSA 2022 • (BS 31) Contractor Partners Comparison 	<p>These Excel files contain pricing data related to lateral undergrounding projects. These projects are executed by Tampa Electric's outside contractor partners. This information constitutes "proprietary confidential business information" because it is "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." These files are also confidential because they contain "information relating to competitive interests, the disclosure of which would impair the competitive business of" Tampa Electric's contractor partners. This information is thus "proprietary confidential business information" as set out in Section 366.093(2)(d)-(e) of the Florida Statutes.</p>
<p>2. Please provide all analyses and underlying support for all schedules, exhibits, tables, and graphs included in and/or attached to the Company's testimonies and expert reports in this proceeding prepared before or contemporaneous with its filing, including all Excel workbooks in live format with all formulas intact in searchable and unlocked format.</p>	<ul style="list-style-type: none"> • (BS 67) CSA and DCA 2022 HM • (BS 68) CSA and DCA 2022 • (BS 70) ESA and SHA 2022 HM • (BS 71) ESA and SHA 2022 • (BS 75) WHA and PCA 2022 HM • (BS 76) WHA and PCA 2022 • (BS 78) WSA 2022 HM • (BS 79) WSA 2022 • (BS 81) Contractor Partners Comparison 	<p>Same as above.</p>

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 furnished by electronic mail on this 11th day of April 2022 to the following:

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