



FILED 5/12/2023  
DOCUMENT NO. 03179-2023  
FPSC - COMMISSION CLERK

Attorneys and Counselors at Law  
123 South Calhoun Street  
P.O. Box 391 32302  
Tallahassee, FL 32301

P: (850) 224-9115  
F: (850) 222-7560

[ausley.com](http://ausley.com)

May 12, 2023

**VIA ELECTRONIC FILING**

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

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Request for Confidential Classification of certain information contained in the company's response to Staff's First Set of Interrogatories (Nos. 1-2), served by electronic mail on April 12, 2023.

Thank you for your assistance in connection with this matter.

Sincerely,

A handwritten signature in blue ink that reads 'Malcolm N. Means'.

Malcolm N. Means

MNM/bml  
Attachment  
cc: All parties of record.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power  
Cost Recovery Clause and  
Generating Performance Incentive  
Factor

DOCKET NO. 20230001

FILED: May 12, 2023

**TAMPA ELECTRIC COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

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 for certain information contained in the company’s Responses to the Florida Public Service Commission (“Commission”) Staff’s First Set of Interrogatories (Nos. 1-2), served on May 12, 2023. In support thereof, Tampa Electric states:

**Description of the Document(s)**

On May 12, 2023, Tampa Electric served its responses to Staff’s First Set of Interrogatories (Nos. 1-2) in the above-captioned docket. The company believes that portions of its response to Interrogatory No. 2 constitutes “proprietary confidential business information” and has designated it as such by highlighting. Tampa Electric requests confidential classification for this information such that it will be entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes.

**Request**

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 exempt from s. 119.07(1), Florida Statutes requiring disclosure under the Public Records Act.]”

2. Proprietary confidential business information includes but is not limited to: “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 and service on favorable terms” and

“information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” §366.093(3)(d)-(e), Fla. Stat.

3. The confidential information that is the subject of this request 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.

4. More specifically, Interrogatory No. 2 refers to a portion of the Direct Testimony of Tampa Electric witness John C. Heisey where he discusses an Asset Management Agreement between Tampa Electric and a third party. Interrogatory No. 2 asks Tampa Electric to identify that third party. Tampa Electric considers the identity of the third party to be “proprietary confidential business information” under Section 366.093(3)(d)-(e) of the Florida Statutes, as public disclosure would impair Tampa Electric’s ability to contract for goods and services on favorable terms and would impair the competitive business interests of Tampa Electric and the third party.

5. Tampa Electric has designated the confidential portion of the response, which is found on Bates Numbered page 2 of the company’s response to Staff’s First Set of Interrogatories, by highlighting.

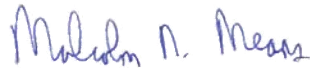
6. Public versions of the documents with the confidential information redacted were previously produced as part of the company’s response to Staff’s First Set of Interrogatories.

7. The confidential information in these responses is intended to be and is treated by Tampa Electric as confidential and has not been publicly disclosed.

8. Pursuant to Rule 25-22.006(9)(a), Tampa Electric requests that the confidential information be treated by the Commission as proprietary confidential business information for 18 months.

WHEREFORE, Tampa Electric respectfully requests that the confidential information that is the subject of this request be accorded confidential classification for the reasons set forth herein for 18 months.

Respectfully submitted,



---

J. JEFFRY WAHLEN  
[jwahlen@ausley.com](mailto:jwahlen@ausley.com)  
MALCOLM N. MEANS  
[mmeans@ausley.com](mailto:mmeans@ausley.com)  
VIRGINIA PONDER  
[vponder@ausley.com](mailto:vponder@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 12<sup>th</sup> day of May, 2023 to the following:

Ms. Suzanne Brownless  
Ryan Sandy  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)  
[rsandy@psc.state.fl.us](mailto:rsandy@psc.state.fl.us)

Walter Trierweiler  
Charles Rehwinkel  
Mary Wessling  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
[Trierweiler.Walt@leg.state.fl.us](mailto:Trierweiler.Walt@leg.state.fl.us)  
[Rehwinkel.charles@leg.state.fl.us](mailto:Rehwinkel.charles@leg.state.fl.us)  
[wessling.mary@leg.state.fl.us](mailto:wessling.mary@leg.state.fl.us)

Ms. Dianne M. Triplett  
Duke Energy Florida  
299 First Avenue North  
St. Petersburg, FL 33701  
[Dianne.triplett@duke-energy.com](mailto:Dianne.triplett@duke-energy.com)  
[FLRegulatoryLegal@duke-energy.com](mailto:FLRegulatoryLegal@duke-energy.com)

Mr. Matthew R. Bernier  
Mr. Robert Pickles  
Stephanie A. Cuello  
Duke Energy Florida  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740  
[Matthew.bernier@duke-energy.com](mailto:Matthew.bernier@duke-energy.com)  
[Robert.pickles@duke-energy.com](mailto:Robert.pickles@duke-energy.com)  
[Stephanie.Cuello@duke-energy.com](mailto:Stephanie.Cuello@duke-energy.com)

Ms. Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 S. Monroe St., Suite 601  
Tallahassee, FL 32301  
[bkeating@gunster.com](mailto:bkeating@gunster.com)

Maria Moncada  
David M. Lee  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
[maria.moncada@fpl.com](mailto:maria.moncada@fpl.com)  
[david.lee@fpl.com](mailto:david.lee@fpl.com)

Mr. Kenneth Hoffman  
Vice President, Regulatory Relations  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1859  
[ken.hoffman@fpl.com](mailto:ken.hoffman@fpl.com)

Mr. Mike Cassel  
Regulatory and Governmental Affairs  
Florida Public Utilities Company  
Florida Division of Chesapeake Utilities Corp.  
1750 SW 14th Street, Suite 200  
Fernandina Beach, FL 32034  
[mcassel@fpuc.com](mailto:mcassel@fpuc.com)

Mr. James W. Brew  
Ms. Laura W. Baker  
Stone Mattheis Xenopoulos & Brew, PC  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, D.C. 20007-5201  
[jbrew@smxblaw.com](mailto:jbrew@smxblaw.com)  
[lwb@smxblaw.com](mailto:lwb@smxblaw.com)

Mr. Jon C Moyle, Jr.  
Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

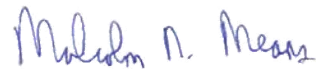
Mr. Peter J. Mattheis  
Mr. Michael K. Lavanga  
Mr. Joseph R. Briscar  
Stone Law Firm  
1025 Thomas Jefferson St., NW  
Suite 800 West  
Washington, DC 20007-5201  
[pjm@smxblaw.com](mailto:pjm@smxblaw.com)  
[mkl@smxblaw.com](mailto:mkl@smxblaw.com)  
[jrb@smxblaw.com](mailto:jrb@smxblaw.com)

Robert Scheffel Wright  
John T. LaVia III  
1300 Thomaswood Drive  
Tallahassee FL 32308  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)

Michelle D. Napier  
1635 Meathe Drive  
West Palm Beach, FL 33411  
[mnapier@fpuc.com](mailto:mnapier@fpuc.com)

Nucor Steel Florida, Inc.  
Corey Allain  
22 Nucor Drive  
Frostproof FL 33843  
[corey.allain@nucor.com](mailto:corey.allain@nucor.com)

George Cavros  
Southern Alliance for Clean Energy  
120 E. Oakland Park Blvd., Suite 105  
Ft. Lauderdale, FL 33334  
[george@cavros-law.com](mailto:george@cavros-law.com)



---

ATTORNEY