



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

April 22, 2024

VIA HAND DELIVERY

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

REDACTED

RECEIVED-FPSC
2024 APR 22 PM 4:28
COMMISSION CLERK

In re: Petition for Rate Increase by Tampa Electric Company

DOCKET NO. 20240026-EI

In re: Petition for approval of 2023 Depreciation and Dismantlement Study, by Tampa Electric Company

DOCKET NO. 20230139-EI

In re: Petition to implement 2024 Generation Base Rate Adjustment provisions in Paragraph 4 of the 2021 Stipulation and Settlement Agreement, by Tampa Electric Company

DOCKET NO. 20230090-EI

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Request Confidential Classification and Motion for Temporary Protective Order pertaining to portions of the company's responses to the Office of Public Counsel's Second Set of Interrogatories and Second Request for Production of Documents, propounded on March 21, 2024.

Thank you for your assistance in connection with this matter.

Sincerely,

Virginia Ponder

VLP/ne
Attachment (USB)

cc: All parties of record (w/att.)

COM _____
AFD _____
APA _____
ECO _____
ENG _____
GCL _____
IDM _____
CLK _____

ENG I redacted USB Drive

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase by Tampa Electric Company

DOCKET NO. 20240026-EI

In re: Petition for approval of 2023 Depreciation and Dismantlement Study, by Tampa Electric Company

DOCKET NO. 20230139-EI

In re: Petition to implement 2024 Generation Base Rate Adjustment provisions in Paragraph 4 of the 2021 Stipulation and Settlement Agreement, by Tampa Electric Company

DOCKET NO. 20230090-EI

FILED: April 22, 2024

**TAMPA ELECTRIC COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND REQUEST 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 this date, Tampa Electric serves its answers to Office of Public Counsel's Second Set of Interrogatories (Nos. 50-73) and responses to Office of Public Counsel's Second Request for Production of Documents (Nos. 31-44). The company believes that portions of its responses to the requests for production, as specified on Exhibit "A," constitute Confidential Information. 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. In support of this request, the company states:

1. On March 21, 2024, OPC served on Tampa Electric its Second Set of Interrogatories (Nos. 50-73) and its Second Request for Production of Documents (Nos. 31-44) (“OPC’s Discovery Request”).

2. On April 17, 2024, and as part of its efforts to resolve potential discovery disputes with OPC, Tampa Electric provided OPC three Excel files by email representing an informal, preliminary answer to Interrogatory No. 61 and an informal, preliminary response to Request for Production of Documents No. 37 (“Preliminary Answer and Response”). Contemporaneous with providing OPC its Preliminary Answer and Response, Tampa Electric filed a Motion for Temporary Protective Order.¹ Tampa Electric provided OPC with an additional Excel file by email on April 19, 2024, which was accompanied by the company filing another Motion for Temporary Protective Order on the same date.²

3. The company believes that portions of its responses served on this date to these requests for production, as specified on Exhibit “A,” constitute Confidential Information and has designated it as such by highlighting. Contemporaneous with the filing of this request, Tampa Electric submitted the Confidential Information to the Commission Clerk under a separate, confidential cover letter. 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. In support of this request, the company states:

4. 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

¹ See DN 01995-2024, filed on April 17, 2024, in docket No. 20240026-EI.

² See DN 02115-2024, filed on April 19, 2024, in docket No. 20240026-EI.

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 one or more of 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.

5. Attached hereto as Exhibit "A" is a justification for confidential treatment of the Confidential Information contained in the Documents.

6. Exhibit “B” contains the public versions of the Document with the Confidential Information.

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

8. 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)(a) of the Florida Administrative Code.

Requested Duration of Confidential Classification

9. 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 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.

DATED this 22nd day of April, 2024.

Respectfully submitted,



J. JEFFRY WAHLEN
jwahlen@ausley.com
MALCOLM N. MEANS
mmeans@ausley.com
VIRGINIA L. PONDER
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 copies of the foregoing Request Confidential Classification and Motion for Temporary Protective Order have been served by posting on a shared document site or hand delivery of a USB drive on this 22nd day of April, 2024 to the following:

Adria Harper
Carlos Marquez
Timothy Sparks
Daniel Dose
Florida Public Service Commission/OGC
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
aharper@psc.state.fl.us
cmarquez@psc.state.fl.us
tsparks@psc.state.fl.us
ddose@psc.state.fl.us
discovery-gcl@psc.state.fl.us

Walt Trierweiler
Patricia Christensen
Octavio Ponce
Charles Rehwinkel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
trierweiler.walt@leg.state.fl.us
christensen.patty@leg.state.fl.us
ponce.octavio@leg.state.fl.us
Rehwinkel.Charles@leg.state.fl.us

Bradley Marshall #
Jordan Luebkekmann #
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
bmarshall@earthjustice.org
jluebkekmann@earthjustice.org

Nihal Shrinath #
2101 Webster Street, Suite 1300
Oakland, CA 94612
nihal.shrinath@sierraclub.org

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

Leslie R. Newton, Maj. USAF #
Ashley N. George, Capt. USAF #
AFLOA/JAOE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
Leslie.Newton.1@us.af.mil
Ashley.George.4@us.af.mil

Thomas A. Jernigan #
AFCEC/JA-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
thomas.jernigan.3@us.af.mil

Ebony M. Payton #
AFCEC-CN-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
Ebony.Payton.ctr@us.af.mil

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

Sari Amiel #
Sierra Club
50 F. Street NW, Eighth Floor
Washington, DC 20001
sari.amiel@sierraclub.org

Petition to Intervene Pending



ATTORNEY

**EXHIBIT A
JUSTIFICATION FOR CONFIDENTIAL TREATMENT**

Second Request for Production (Nos. 31-44)			
Bates Page Nos.	Document Description	Description of Information	Justification
BS 16844	Copies of Emera Affiliate Allocations Annual Summary 2021 provided in Tampa Electric's Response for Production of Documents, Number 37.	<p align="center"><u>YTD</u> Row(s): 8 through 75; Column(s): B, E through I, K through N, Q through W, & AB.</p> <p align="center"><u>Jan</u> Row(s): 8 through 62; Column(s): B, E through I, K through N, Q through W, & AB.</p> <p align="center"><u>Feb</u> Row(s): 8 through 62; Column(s): B, E through I, K through N, Q through W, & AB.</p> <p align="center"><u>Mar</u> Row(s): 8 through 65; Column(s): B, E through I, K through N, Q through W, & AB.</p> <p align="center"><u>Apr</u> Row(s): 8 through 65; Column(s): B, E through I, K through N, Q through W, & AB.</p> <p align="center"><u>May</u> Row(s): 8 through 65; Column(s): B, E through I, K through N, Q through W, & AB.</p> <p align="center"><u>Jun</u> Row(s): 8 through 65; Column(s): B, E through I, K through N, Q through W, & AB.</p> <p align="center"><u>Jul</u> Row(s): 8 through 65;</p>	(1) & (2)

		<p>Column(s): B, E through I, K through N, Q through W, AB, & AC.</p> <p><u>Aug</u></p> <p>Row(s): 8 through 65; Column(s): B, E through I, K through N, Q through W, AB, & AC.</p> <p><u>Sep</u></p> <p>Row(s): 8 through 65; Column(s): B, E through I, K through N, Q through W, & AB.</p> <p><u>Oct</u></p> <p>Row(s): 8 through 65; Column(s): B, E through I, K through N, Q through W, & AB.</p> <p><u>Nov</u></p> <p>Row(s): 8 through 65; Column(s): B, E through I, K through N, Q through W, & AB.</p> <p><u>Dec</u></p> <p>Row(s): 8 through 65; Column(s): B, E through I, K through N, Q through W, & AB.</p>	
BS 16845	<p>Copies of Emera Affiliate Allocations Annual Summary 2022 provided in Tampa Electric's Response for Production of Documents, Number 37.</p>	<p><u>YTD</u></p> <p>Row(s): 8 through 75; Column(s): B, E through J, L through O, R through X, AC, & AD.</p> <p><u>Jan</u></p> <p>Row(s): 8 through 72; Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>Feb</u></p> <p>Row(s): 8 through 66; Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>Mar</u></p> <p>Row(s): 8 through 66;</p>	(1) & (2)

		<p>Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>Apr</u> Row(s): 8 through 65; Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>May</u> Row(s): 8 through 70; Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>Jun</u> Row(s): 8 through 69; Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>Jul</u> Row(s): 8 through 69; Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>Aug</u> Row(s): 8 through 69; Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>Sep</u> Row(s): 8 through 69; Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>Oct</u> Row(s): 8 through 69; Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>Nov</u> Row(s): 8 through 69; Column(s): B, E through J, L through O, R through X, & AC.</p> <p><u>Dec</u> Row(s): 8 through 69;</p>	
--	--	---	--

		Column(s): B, E through J, L through O, R through X, & AC.	
BS 16846	Copies of Emera Affiliate Allocations Annual Summary 2023 provided in Tampa Electric's Response for Production of Documents, Number 37.	<p><u>YTD</u> Row(s): 8 through 77; Column(s) B, E through J, L through O, R through X, & AC.</p> <p><u>Jan</u> Row(s): 8 through 74; Column(s) B, E through J, L through O, R through X, & AC.</p> <p><u>Feb</u> Row(s): 8 through 76; Column(s) B, E through J, L through O, R through X, AC, & AD.</p> <p><u>Mar</u> Row(s): 8 through 73; Column(s) B, E through J, L through O, R through X, & AC.</p> <p><u>Apr</u> Row(s): 8 through 75; Column(s) B, E through J, L through O, R through X, & AC.</p> <p><u>May</u> Row(s): 8 through 74; Column(s) B, E through J, L through O, R through X, & AC.</p> <p><u>Jun</u> Row(s): 8 through 73; Column(s) B, E through J, L through O, R through X, AC, & AD.</p> <p><u>Jul</u> Row(s): 8 through 75; Column(s) B, E through J, L through O, R through X, & AC.</p> <p><u>Aug</u> Row(s): 8 through 73;</p>	(1) & (2)

		<p>Column(s) B, E through J, L through O, R through X, & AC.</p> <p><u>Sep</u> Row(s): 8 through 72; Column(s) B, E through J, L through O, R through X, & AC.</p> <p><u>Nov</u> Row(s): 8 through 74; Column(s) B, E through J, L through O, R through X, AC, & AD.</p> <p><u>Oct</u> Row(s): 8 through 74; Column(s) B, E through J, L through O, R through X, & AC.</p> <p><u>Dec</u> Row(s): 8 through 73; Column(s) B, E through J, L through O, R through X, & AC.</p> <p><u>Jan -24</u> Row(s): 8 through 74; Column(s) B, E through J, L through O, R through X, & AC.</p>	
BS 16847	Copies of Emera Affiliate Allocations Detailed Totals 2021-2023 provided in Tampa Electric's Response for Production of Documents, Number 37.	<p><u>YTD 2021</u> Row(s): 6 through 487; Column(s): B, E through J, L through O, R through X, & AC. Row(s): 16; Column(s): C & D.</p> <p><u>YTD 2022</u> Row(s): 6 through 545; Column(s): B, E through J, L through O, R through X, & AC. Row(s): 16; Column(s) C.</p> <p><u>YTD 2023</u> Row(s): 6 to 487;</p>	(1) & (2)

		Column(s): B, E through J, L through O, R through X, & AC. Row(s): 16; Column(s): C.	
BS 17338-17350	Copies of all original studies and analysis prepared by the Company showing the estimate financial and operational impact on PGS and TECO of the spin-off provided in Tampa Electric's response for Production of Documents, No. 40(a).	The Highlighted Information.	(1) & (2)

Justifications

- (1) The highlighted information consists of labor rates, and calculations. This constitutes "[i]nformation concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility to contract for goods or services on favorable terms" under Section 366.093(3)(d), Florida Statutes.
- (2) The highlighted information relates to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. This information is protected by Section 366.093(3)(e), Florida Statutes.

EXHIBIT B
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	_____
Public Version(s) of the Document(s) attached via USB	____ <u>X</u> _____

EXHIBIT C
JUSTIFICATION FOR EXTENSION OF CONFIDENTIALITY PERIOD

N/A