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July 24, 2024

VIA HAND DELIVERY

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

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance  
Incentive Factor  
FPSC Docket No. 20240001-EI

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Request for Confidential Classification pertaining to portions of the company's response to Staff's Request for Audit Workpapers Pursuant to Audit Control No. ACN 2024-008-1-2.

Thank you for your assistance in connection with this matter.

Sincerely,

Malcolm N. Means

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AFD 1 redacted USB  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL \_\_\_\_\_  
IDM \_\_\_\_\_  
CLK \_\_\_\_\_

MNM/bl  
Attachment  
cc: All parties of record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost  
Recovery Clause with Generating  
Performance Incentive Factor.

DOCKET NO. 20240001-EI

FILED: July 24, 2024

**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 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 July 3, 2024, the Staff of the Florida Public Service Commission ("Staff") completed its audit of Tampa Electric's capacity cost recovery clause.<sup>1</sup> There are confidential work papers associated with this audit that Staff has retained. The company believes that portions of its confidential workpapers, 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:

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<sup>1</sup> See DN 07260-2024, filed on July 3, 2024, in Docket No. 20240001-EI.

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 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.

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

3. Exhibit “B” contains the public versions of the Documents with the Confidential Information.

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.

**Requested Duration of Confidential Classification**

5. 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.

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 and for 18 months.

DATED this 24<sup>th</sup> day of July, 2024.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that electronic copies of the foregoing request have been served by electronic mail on this 24<sup>th</sup> day of July, 2024 to the following:

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*Malcolm N. Meany*

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ATTORNEY

**EXHIBIT A**  
**JUSTIFICATION FOR CONFIDENTIAL TREATMENT**

<b>Audit Workpapers Pursuant to Audit Control No. ACN 2024-008-1-2</b>		
<b>Work Paper(s):</b>	<b>Description of Information</b>	<b>Justification</b>
42-1, & 42-1.1	Highlighted Information	(1)
45.1, 45-1, 45-1.1, 45-1.2, 45-1.3, 45-1.4, 45-1.5, 45-1.6, 45-1.7, 45-1.8, 45-1.9, 45-1.10, 45-1.11, 45-1.12, 45-1.13, 45-1.14, & 45-1.15.	Highlighted Information	(2) & (3)
45-3	Highlighted Information	(3)

## **Justifications**

(1) The documents are individual customer bills containing sensitive bank information. Tampa Electric treats individual customer information confidentially and does not disclose it publicly on the belief that individual customers have an expectation that such information is private and should be treated confidentially. Tampa Electric would not want to publicly disclose any customer specific information (except at the customer's own request) that could be used, alone or in conjunction with other publicly available information to engage in identity theft, gain a competitive advantage over a business customer or take any other action detrimental to its customers' interests. As such, the information is entitled to confidential treatment pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

(2) These documents contain confidential, negotiated contract rates, or information that could be used to calculate those confidential, negotiated contract rates. The rates paid under the company's existing contracts are competitively sensitive. Disclosing this contractual information would harm Tampa Electric's position in negotiating the best rates for future contracts, to the detriment of its customers. This type of contractual information has been recognized by the Commission on numerous occasions to constitute proprietary confidential business information, the disclosure of which would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms and, likewise, harmful to the competitive interests of Tampa Electric and the party with which it contracts. This is the specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law. This information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

(3) This information contained on the listed pages is contractual information which, if made public, "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. The information shows the price which Tampa Electric has paid for No. 2 fuel oil per barrel for specific shipments from specific suppliers. This information would allow suppliers to compare an individual supplier's price with the market "for that date of delivery" and thereby determine the contract pricing formula between Tampa Electric and that supplier. Disclosure of the invoice price would allow suppliers to determine the contract price formula of their competitors. The knowledge of each other's prices would give suppliers information with which to actually control the pricing in No. 2 oil by either all quoting a particular price or adhering to a price offered by a major supplier. This could reduce or eliminate any opportunity for a major buyer, like Tampa Electric, to use its market presence to gain price concessions from any individual supplier. The end result is reasonably likely to be increased No. 2 fuel oil prices and, therefore, increased electric rates.



**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   X

**EXHIBIT C**  
**JUSTIFICATION FOR EXTENSION OF CONFIDENTIALITY PERIOD**

N/A