

ORIGINAL

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

RECEIVED FPSC

04 OCT -4 PM 3:24

COMMISSION
CLERK

October 4, 2004

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance
Incentive Factor; FPSC Docket No. 040001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa
Electric Company's Request for Confidential Classification and for a Protective Order regarding
Answers to First Set of Interrogatories (Nos. 1-7) of the Florida Public Service Commission
Staff.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this
letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,

James D. Beasley

CMP _____
COM _____
CTR _____
ECR 1 _____
GCL 1 JDB/pp
OPC Enclosures
MMS _____
RCA _____
SCR _____
SEC 1 _____
OTH 1 conf records

RECEIVED & FILED
Oh
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

10649 OCT -4 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 040001-EI
Factor.) FILED: October 4, 2004
_____)

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND FOR A 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 certain highlighted information contained in Answers to First Set of Interrogatories (Nos. 1-7) of the Florida Public Service Commission Staff (the “Confidential Information”). This request is also intended to serve as a request for a protective order, within the contemplation of Rule 25-22.006(6)(b), Florida Administrative Code, such that it will protect the Confidential Information from public disclosure while in the possession of the Office of Public Counsel. A single copy is being filed under a separate transmittal marked “Confidential” with the confidential information highlighted in yellow. Attached hereto as Exhibit “A” is a justification for designating the Confidential Information proprietary confidential business information under the above-referenced statute and rule.

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) [requiring disclosure under the Public Records Act].” The proprietary confidential business information includes, but is not limited to:

(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. (Section 366.093(3)(d), Florida Statutes)

2. Proprietary confidential business information also includes:

(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)(e), Florida Statutes)

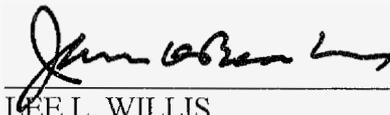
3. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

4. The material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

WHEREFORE, Tampa Electric respectfully requests that the highlighted Confidential Information set forth in its Answers to Staff's First Set of Interrogatories (Nos. 1-7) be accorded confidential classification for the reasons set forth above.

DATED this 4th day of October 2004.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
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 Request for Confidential Classification has been furnished by U. S. Mail or hand delivery (*) on this 4th day of October 2004 to the following:

Mr. Wm. Cochran Keating, IV*
Senior Attorney
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0863

Mr. James A. McGee
Associate General Counsel
Progress Energy Florida, Inc.
Post Office Box 14042
St. Petersburg, FL 33733

Mr. Joseph A. McGlothlin
Ms. Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Kaufman & Arnold, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

Mr. Robert Vandiver
Associate Public Counsel
Office of Public Counsel
111 West Madison Street – Suite 812
Tallahassee, FL 32399-1400

Mr. Norman Horton
Messer Caparello & Self
Post Office Box 1876
Tallahassee, FL 32302

Mr. John T. Butler
Steel Hector & Davis LLP
200 South Biscayne Boulevard
Suite 4000
Miami, FL 33131-2398

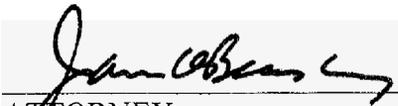
Mr. William Walker
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Mr. R. Wade Litchfield
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408

Mr. John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin,
Davidson, Kaufman & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, FL 33601-5126

Ms. Susan Ritenour
Gulf Power Company
One Energy Place
Pensacola, FL 32520

Mr. Jeffrey A. Stone
Mr. Russell A. Badders
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32591-2950



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT
OF HIGHLIGHTED PORTIONS OF ANSWERS TO FIRST SET OF
INTERROGATORIES OF THE FLORIDA PUBLIC SERVICE COMMISSION STAFF**

Interrogatory Nos. 1 and 2

<u>Page</u>	<u>Column</u>	<u>Line(s)</u>	<u>Rationale</u>
2, 3, 5, and 6	“Contract Counterparty”	1,2,3	(1)
2	Actual/Estimated Monthly Purchase Columns and Maximum Column (13 columns)	1-3 and 6-9	(2)
3	Actual/Estimated Monthly Purchase Columns and Total Column (13 columns)	1-3 and 6-14	(2)
5	Actual/Estimated Monthly Purchase Columns and Maximum Column (13 columns)	1-3 and 6-8	(2)
6	Actual/Estimated Monthly Purchase Columns and Total Column (13 columns)	1-3 and 6-12	(2)

-
- (1) This information discloses the identities of particular cogenerators who are also customers of Tampa Electric. Tampa Electric has a policy of not disclosing individual customer information in order to protect any privacy claims or desires they may have. These customers might have proprietary business reasons for not having their identities as sellers of electric power to Tampa Electric made public.

- (2) The information in question discloses the amount and prices of Tampa Electric's actual and expected power purchases for 2004 and expected purchases for 2005 from cogenerators and other suppliers. This information is not disclosed in this degree of detail anywhere else in information publicly submitted by Tampa Electric. The information in question concerns contractual data, the disclosure of which would impair the efforts of Tampa Electric to contract for goods and services on favorable terms. It is also information relating to competitive interests of Tampa Electric, the disclosure of which would impair the competitive business of Tampa Electric. The information could be used by wholesale competitors and competitive suppliers of power to Tampa Electric to model the company's system and/or to affect the company's purchases from third party suppliers. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093(3)(d) and (e), Florida Statutes.