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ORIGINAL

July 20, 2007

HAND DELIVERED

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

COMMISSION
CLERK

07 JUL 20 PM 3:30

RECEIVED-FPSC

070467-EI

Re: Tampa Electric Company's Petition to Determine Need
for Polk Unit 6 Electrical Power Plant; Docket No. _____

Dear Ms. Cole:

Enclosed for filing are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order regarding portions of the testimony and exhibit of Tampa Electric's witness Michael R. Rivers being simultaneously filed herein in the above-entitled proceeding.

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.

CMP _____

COM _____

CTR _____

ECR 1

GCL 1

OPC _____ JDB/pp

RCA _____ Enclosure

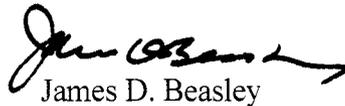
SCR _____ cc: Office of Public Counsel (w/enc.)

SGA _____

SEC _____

OTH 1 records

Sincerely,



James D. Beasley

DOCUMENT NUMBER-DATE

06180 JUL 20 07

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Tampa Electric Company's Petition to)
Determine Need for Polk Unit 6 Electrical)
Power Plant)
_____)

DOCKET NO. 070467-EI

DATED: July 20, 2007

TAMPA ELECTRIC COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION 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 treatment of portions of the testimony and exhibit of Tampa Electric's witness Michael R. Rivers being simultaneously filed herewith in the above-entitled proceeding and moves the Commission for entry of a temporary protective order relative to the same information, and as grounds therefor, says:

1. Tampa Electric is simultaneously filing herewith a Petition seeking a determination by the Florida Public Service Commission ("the Commission") as to the need for Tampa Electric to construct and operate Polk Unit 6, an integrated gasification combine cycle ("IGCC") power plant designed to meet customers' needs of approximately 632 MW of additional base load electric generating capacity, beginning in 2013. Polk Unit 6 will use state-of-the-art IGCC technology enabling Tampa Electric to provide reliable cost-effective power in the most environmentally responsible way.

2. Tampa Electric, GE Energy (USA) LLC, a wholly-owned subsidiary of GE Energy Business ("GE"), successor in interests to Texaco Development Corporation, and Bechtel Power Corporation ("Bechtel") are parties to a series of prior agreements pertaining to the

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FPSC-COMMISSION CLERK

development and construction of Polk Unit 1, an IGCC generating unit that has been serving Tampa Electric's base load power generating needs for the past 10 years. Tampa Electric began developing design information to support its permit application for Polk Unit 6 in November 2006. The company entered into a contract with GE and Bechtel to prepare a preliminary basis for design, block flow diagram, layout drawing and performance emissions data in support of project development for Polk Unit 6. Both companies continue to support Tampa Electric in the preparation of permit application documents.

3. In connection with and to facilitate the foregoing, Tampa Electric on January 12, 2007 entered into a non-disclosure agreement with GE and Bechtel to enable Tampa Electric to draw upon the knowledge and resources of GE and Bechtel in the development of Polk Unit 6 without fear of disclosing proprietary confidential business information relating to GE's gasification technology or Bechtel's sulfur technology.

4. Attached here to as Composite Exhibit A are affidavits submitted on behalf of GE and Bechtel explaining the need for confidential protection of all information relating to GE's gasification technology and Bechtel's sulfur technology during the course of this need proceeding. As Exhibit A explains, public disclosure of the confidential information in question, including all details regarding the costing and pricing of GE's and Bechtel's provision of goods and services relating thereto, would be very detrimental to the competitive interests of GE and Bechtel, would harm each of those businesses' ability to compete effectively in their respective technology markets and would compromise the value of their research and development efforts and achievements in these highly technical areas.

5. The information needing confidential treatment is contained on only two pages of the voluminous filing Tampa Electric is submitting in support of a determination of need for

Polk Unit 6. The information in question consists of cost breakdowns set forth on page 20 of the prepared direct testimony of Tampa Electric witness Michael R. Rivers, and more detailed cost breakdowns set forth in Document No. 3, page 1 of 1 of Mr. Rivers Exhibit No. ___ (MRR-1). Tampa Electric is simultaneously furnishing the Commission on a confidential basis a single copy of each of these two pages with the confidential information highlighted in yellow. The corresponding pages in the publicly filed versions of Mr. Rivers' testimony and exhibit have the confidential information redacted in order to protect it from public disclosure. Each of the values highlighted on these two pages either (a) directly discloses the cost and pricing details of various components for the IGCC related technology applications GE and Bechtel competitively provide, or (b) can be used with the total estimated costs of Polk Unit 6 to derive or "back into" those cost and pricing details.

6. Section 366.093, Florida Statutes, addresses the need for confidential treatment of certain public utility records. Subsection (1) of that section states that, upon request of the public utility or other person, any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from Section 119.07(1), Florida Statutes.

7. Section 366.093 further provides that proprietary confidential business information includes, but is not limited to specified categories of information including trade secrets and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

8. As is explained in the Affidavits attached here as Exhibit A, public disclosure of the costing information highlighted in yellow in the confidential versions of Mr. Rivers testimony and exhibit would, indeed, harm the competitive position of GE and Bechtel in their

respective technology disciplines and markets. This is especially true given the state-of-the-art nature of IGCC technology.

9. As is stated in the exhibits contained in Exhibit A, GE and Bechtel are both amenable to allowing the confidential information in question to be examined by the Commission on a confidential basis and by any party to this need determination proceeding which is not a competitor of GE or Bechtel and which first agrees and is legally bound not to disclose the confidential information to any other person. This will enable the Commission and parties with a need to know to have access to the information and at the same time protect GE and Bechtel from the harm that would flow from disclosing the confidential information to the public generally and to competitors of GE and Bechtel, in particular. This procedure for handling confidential information has been utilized by the Commission on numerous occasions in numerous proceedings to allow the necessary examination of confidential information by the Commission and appropriate parties with a need to know without harming the interests of the providers of that information.

10. This request will also serve as Tampa Electric's motion for a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, in order to protect the confidential information from public disclosure while in the possession of the Office of Public Counsel.

WHEREFORE, for the reasons set forth above and in the supporting Affidavits attached hereto as Exhibit A, Tampa Electric respectfully urges the Commission to afford confidential protection to the highlighted information set forth in the confidential versions of page 20 of Tampa Electric witness Michael R. Rivers' prepared direct testimony submitted in this proceeding together with the highlighted information set forth in the confidential version of

Document No. 3, page 1 of 1, of Mr. Rivers Exhibit No. ____ (MRR-1), and moves the Commission for entry of a temporary protective order protecting the confidentiality of such highlighted information.

DATED this 20⁵ day of July 2007.

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

COMPOSITE EXHIBIT A

Affidavit of Monte R. Atwell

Affidavit of Amos Avidan

AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME the undersigned authority personally appeared Affiant, Monte R. Atwell, who after being duly sworn by me deposed and said: Affiant serves in the position of General Manager, IGCC & Gasification Technology for General Electric Company, through its GE Energy business ("GE") which has developed and/or controls certain confidential information relating to (a) the manufacture of synthesis gas (hydrogen and carbon monoxide) in a secret and proprietary process and (b) its integration with other elements for: (i) electric power generation; (ii) chemicals production; and (iii) hydrocarbon products production (hereinafter collectively referred to as "Gasification Technology") (hereinafter "Confidential Information").

Tampa Electric Company ("TEC") is currently considering the construction of a commercial plant for the production of electricity from manufactured synthesis gas in the state of Florida and wishes to have the opportunity of evaluating the Confidential Information for the sole purpose of (i) establishing power plant designs and performing activities such as but not limited to the evaluation of the design, feasibility review, preparation of indicative costs and site reviews; (ii) developing for presentation, requests for proposal, public service filings and associated preliminary permitting processes; and (iii) pursuing potential activities in connection with the front end engineering and design phase of the proposed project incorporating GE's technical analysis and Gasification Technology.

The Confidential Information consists of and incorporates proprietary confidential business and technical information developed by GE for use in the highly technical and

competitive market relating to Gasification Technology as it relates to the development, enhancement, operation and maintenance of integrated gasification combined cycle (“IGCC”) technology. Public disclosure of the Confidential Information, including all proprietary Gasification Technology process information and details regarding the costing and pricing of GE’s services relating thereto, would be very detrimental to the competitive interests of GE, would harm its ability to compete effectively in the above-described market and would compromise the value of GE’s research and development efforts and achievements in this highly technical area. Accordingly, the Confidential Information constitutes trade secrets and information relating to competitive interests, the disclosure of which would impair the competitive business of GE. As such the information in question is entitled to protection from public disclosure under Section 366.093(3)(a) and (e), Fla. Stat.

TEC has or will file a petition with the Florida Public Service Commission (“FPSC”) seeking a determination of need for Polk Unit 6, an IGCC project that may incorporate GE’s Confidential Information. In order to facilitate the FPSC’s consideration of that petition, GE is amenable to the Confidential Information being considered by the FPSC on a confidential basis and by any party to the FPSC need determination proceeding which is not a competitor of GE and which first agrees and is legally bound not to disclose the Confidential Information to any other person. GE and TEC together with Bechtel Power Corporation (“Bechtel”), are parties to a non-disclosure agreement dated January 12, 2007 executed for the purpose of protecting GE’s Confidential Information as well as similar confidential information developed and owned by Bechtel and TEC. This Affidavit is intended to effect the purposes of that non-disclosure agreement and to inform the FPSC regarding the harm that would come to GE in the event the Confidential Information is disclosed publicly, and in particular, if it is disclosed to any

competitor of GE with respect to Gasification Technology. On behalf of GE, Affiant urges that the FPSC afford Bechtel's Confidential Information all of the protections against public disclosure set forth in Section 366.093, Fla. Stat. and in the FPSC's implementing rule, Rule 25-22.006, Florida Administrative Code.

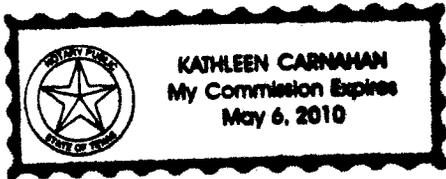
Further, Affiant saith naught.

Mouder. Howell
Affiant

Sworn to and subscribed before me
this 16 day of July,
2007.

Kathleen Carnahan
Notary Public

State of Texas



AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME the undersigned authority personally appeared Affiant, Amos Avidan, who after being duly sworn by me deposed and said: Affiant serves in the position of IGCC/Gasification Operations Manager for Bechtel Power Corporation (“Bechtel”) which has developed and/or controls certain confidential information relating to design, engineering, procurement, construction, commissioning and start-up and work processes including the cost thereof (hereinafter “Confidential Information”).

Tampa Electric Company (“TEC”) is currently considering the construction of a commercial plant for the production of electricity from manufactured synthesis gas in the state of Florida and wishes to have the opportunity of evaluating the Confidential Information for the sole purpose of (i) establishing power plant designs and performing activities such as but not limited to the evaluation of the design, feasibility review, preparation of indicative costs and site reviews; (ii) developing for presentation, requests for proposal, public service filings and associated preliminary permitting processes; and (iii) pursuing potential activities in connection with the front end engineering and design phase of the proposed project incorporating Bechtel’s Confidential Information.

The Confidential Information consists of and incorporates proprietary confidential business information developed by Bechtel for use in the highly technical and competitive market relating to the development, enhancement, operation and maintenance of integrated gasification combined cycle (“IGCC”) technology. Public disclosure of the Confidential

Information, including all details regarding the costing and pricing of Bechtel's services relating thereto, would be very detrimental to the competitive interests of Bechtel, would harm its ability to compete effectively in the above-described market and would compromise the value of Bechtel's research and development efforts and achievements in this highly technical area. Accordingly, the Confidential Information constitutes trade secrets and information relating to competitive interests, the disclosure of which would impair the competitive business of Bechtel. As such the information in question is entitled to protection from public disclosure under Section 366.093(3)(a) and (e), Fla. Stat.

TEC has or will file a petition with the Florida Public Service Commission ("FPSC") seeking a determination of need for Polk Unit 6, an IGCC project that may incorporate Bechtel's Confidential Information. In order to facilitate the FPSC's consideration of that petition, Bechtel is amenable to the Confidential Information being considered by the FPSC on a confidential basis and by any party to the FPSC need determination proceeding which is not a competitor of Bechtel and which first agrees and is legally bound not to disclose the Confidential Information to any other person. Bechtel and TEC together with General Electric Company, acting by and through its GE Energy business, are parties to a non-disclosure agreement dated January 12, 2007 executed for the purpose of protecting Bechtel's Confidential Information as well as similar confidential information developed and owned by GE and TEC. This Affidavit is intended to effect the purposes of that non-disclosure agreement and to inform the FPSC regarding the harm that would come to Bechtel in the event the Confidential Information is disclosed publicly, and in particular, if it is disclosed to any competitor of Bechtel. On behalf of Bechtel, Affiant urges that the FPSC afford Bechtel's Confidential Information all of the protections against public

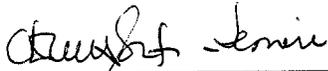
disclosure set forth in Section 366.093, Fla. Stat. and in the FPSC's implementing rule, Rule 25-22.006, Florida Administrative Code.

Further, Affiant saith naught.



Affiant

Sworn to and subscribed before me
this 16th day of July,
2007.



Notary Public

State of Texas

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: 7/20/07
TO: J. Beasley / Asst. Secy
FROM: R. Nettles, Division of the Commission Clerk &
 Administrative Services
RE: **Acknowledgment of Receipt of Confidential Filing**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No. 070467-EI or (if filed in an undocketed matter) concerning portions of testimony of witness M. R. Rivers, and filed on behalf of TECO. The document will be maintained in locked storage.

Any questions regarding this matter should be directed to Marguerite Lockard at (850) 413-6770.

CONFIDENTIAL

I:\Confid\ackconf.doc

DOCUMENT NUMBER-DATE
06181 JUL 20 07
PSC-COMMISSION CLERK