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COMMISSION CLERK

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

DATE: September 22, 2008
TO: Keino Young, Office of the General Counsel
FROM: John Slemkewicz, Division of Economic Regulation JS
RE: Tampa Electric Company - Docket No. 080317-EI - Confidentiality Request

Tampa Electric Company (TECO) has requested that the names and titles of the majority of the officers of TECO Energy, Inc. and TECO be kept confidential on Interrogatories Nos. 1 and 2 of Staff's First Set (Document No. 08630-08). The information requested in the interrogatories, concerning the officers of TECO Energy, Inc. and TECO, is the name, title, total compensation, and amount of compensation allocated to TECO for recovery through base rates in the rate case.

TECO requests confidentiality under Subsection 366.093(3)(f), Florida Statutes (F.S.), which states:

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. 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.

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(f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

TECO's claim is that the information is intended to be and is treated by TECO as private and has not been publicly disclosed.

Staff has reviewed TECO's confidentiality request. In staff's opinion, the names and titles of the officers are not confidential in nature and do not meet the criterion for confidentiality contained in Subsection 366.093(3)(f), F.S. The officers' titles directly relate to, and describe, their duties and responsibilities. TECO is requesting that the majority of the compensation paid to these officers be included in its rate case for recovery from its ratepayers. Therefore, staff recommends that the request for confidentiality of certain information included in Document No. 08630-08 be denied.

It should be noted that FIPUG has filed an objection to TECO's Request for Confidential Classification of Document No. 08630-08.

cc: Marshall Willis
Cheryl Bulecza-Banks
Shari Cornelius
Office of Commission Clerk

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COMMISSION
DIVISION OF
ECONOMIC REGULATION

08 SEP 19 PM 3:52

DATE: September 18, 2008

TO: _____ OFFICE OF THE GENERAL COUNSEL [GCL]
_____ DIVISION OF SERVICE, SAFETY & CONSUMER ASSISTANCE
[SSC]
XX _____ DIVISION OF ECONOMIC REGULATION [ECR]
_____ DIVISION OF REGULATORY COMPLIANCE [RCP]
_____ OFFICE OF STRATEGIC ANALYSIS AND GOVERNMENTAL
AFFAIRS [SGA]

FROM: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO(s): 08630-08

DESCRIPTION: TECO (Willis) - (CONFIDENTIAL) Answers to staff's 1st set of interrogatories (Nos. 1-2) [highlighted documents providing actual or projected compensation amounts, by component as well [as] total amounts, for 2007, 2008, and 2009 for TECO Energy, Inc. and TECO officers, including the respective name and title of officers not publicly disclosed in TECO Energy's annual proxy statement.

SOURCE: Tampa Electric Company

DOCKET NO(S): 080317-EI

The above material was received with a request for confidential classification and motion for temporary protective order. Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. Copies of your recommendation should also be provided to the Division of the Commission Clerk and Administrative Services, Bureau of Records and Hearing Services, and to the Office of General Counsel.

Please read each of the following and check if applicable.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
- (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 company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

Response prepared by: JOHN SLOMKIEWICZ

Date: 9-22-08

cc: GCL FLL
 CMP CLK
 ECR RCA