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\*\* CERTIFIED CRIMINAL TRIAL  
LAWYER BY THE FLORIDA BAR  
BOARD OF CERTIFICATION

November 3, 2008

Via Hand Delivery

\* ALSO ADMITTED IN ALABAMA

Ms. Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: In re: Petition for Rate Increase by Tampa Electric Company  
Docket No. 080317-EI

RECEIVED-FPSC  
08 NOV -3 PM 4:26  
COMMISSION  
CLERK

## CONFIDENTIAL DOCUMENT ENCLOSED

Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of the Florida Industrial Power Users Group's Request for Confidential Classification and Motion for Temporary Protective Order regarding its answers to Tampa Electric Company's First Set of Interrogatories, No. 1.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to the writer. Thank you for your assistance.

COM Sincerely,  
ECR  
GCL 2 *Vicki Gordon Kaufman*  
OPC Vicki Gordon Kaufman  
RCP  
SSC VGK/jam  
SGA  
ADM Enclosure: Confidential Document  
CLK 1

DOCUMENT NUMBER-DATE  
10350 NOV-3 g  
FPSC-COMMISSION CLERK

**ORIGINAL**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Tampa  
Electric Company.

DOCKET NO. 080317-EI

Filed: November 3, 2008

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S  
REQUEST FOR CONFIDENTIAL AND MOTION  
FOR TEMPORARY PROTECTIVE ORDER CLASSIFICATION**

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The Florida Industrial Power Users Group (FIPUG), 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 attached document ("the Document") stamped "CONFIDENTIAL" and referred to as "Confidential Information."

**Description of the Document**

Certain information contained in FIPUG's response to TECO's First Set of Interrogatories (No. 1), at Bates stamp page 1, is confidential and should be maintained as confidential by the Commission. In support of its request, FIPUG states:

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be propriety 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]." The Confidential Information that is the subject of this request and motion falls within the statutory categories and, thus, constitutes propriety 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 Document.

3. Attached hereto as Exhibit "B" are two public versions of the Document with

the Confidential Information redacted.

4. The Confidential Information contained in the Document is intended to be and is treated as private.

5. For the same reasons set forth herein in support of its request for confidential classification, FIPUG also moves the Commission for entry of a temporary protective order pursuant to rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

**Requested Duration of Confidential Classification**

6. FIPUG requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18-month period prescribed in rule 25-22.006(9)(a), Florida Administrative Code

**WHEREFORE**, FIPUG 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 a minimum period of 18 months. FIPUG further moves for the entry of a temporary protective order pursuant to rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

s/ Vicki Gordon Kaufman

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Attorneys for FIPUG

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the Florida Industrial Power Users Group's Request for Confidential Classification and Motion for Temporary Protective Order has been furnished by electronic mail and U.S. Mail this 3rd day of November, 2008, to the following:

Keino Young  
Florida Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Drive  
Tallahassee, FL 32399-0850

Lee Willis  
James Beasley  
Ausley Law Firm  
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Tallahassee, FL 32314-5256

Cecilia Bradley  
Office of the Attorney General  
400 S. Monroe St # PL-01  
Tallahassee, Florida 32399-6536

s/Vicki Gordon Kaufman  
Vicki Gordon Kaufman

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED  
PORTIONS OF FLOIRDA INDUSTIRAL POWER USERS GROUP'S RESPONSES TO  
TAMPA ELECTRIC'S FIRST SET OF INTERROGATORIES NO.1**

<b><u>Interrogatory No.</u></b>	<b><u>Bates Page Nos.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
1	2	All highlighted information	(1)

- (1) The Confidential Information contained in the Document is intended to be and is treated as private and has not been publicly disclosed. Organization membership lists are highly sensitive documents and disclosure could harm the interests of the organization. As such, the information in question is entitled to confidential treatment pursuant to section 366.093, Florida Statutes.

Exhibit A

# **Exhibit B**

service area are:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

c. Anchors Smith Grimsley

e. FIPUG objects to this question as overly broad and burdensome. TECO

is well aware of the location of business facilities of its customers.

2. Identify each FIPUG member participating in Docket No. 080317-EI that is funding a portion of FIPUG's cost of participation in this docket.

**Objection:** In addition to its general objections, FIPUG objects to this request on the grounds that it is attorney-client privileged. Further, the information sought is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

3. Identify the name and nature of the business activities of all of the parent companies and affiliated companies of each FIPUG member company participating in Docket No. 080317-EI.

**Objection:** In addition to its general objections, FIPUG objects to this request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, it is overly broad.

4. Has FIPUG retained any consultant or expert witness to consider of address any



COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: November 3, 2008

TO: Vicki Gordon Kaufman, Esquire/Anchors Smith Grimsley

FROM: Marguerite H. McLean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 080317-EI or, if filed in an undocketed matter, concerning certain information contained in response to TECO's 1<sup>st</sup> set of interrogatories (No. 1), and filed on behalf of FIPUG. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite McLean, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE

10351 NOV -3 08

FPSC - COMMISSION CLERK