

# AUSLEY & MCMULLEN

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December 15, 2008

HAND DELIVERED

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COMMISSION  
CLERK

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

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

Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order regarding its response to FIPUG's Eighth Request for Production of Documents (Nos. 54-62).

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

JDB/pp  
Enclosure

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER-DATE

11563 DEC 15 08

FPSC-COMMISSION CLERK

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase )  
by Tampa Electric Company. )  
\_\_\_\_\_ )

DOCKET NO. 080317-EI

FILED: December 15, 2008

**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 request 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)**

Certain information contained in Tampa Electric Company's response to FIPUG's Eighth Request for Production of Documents (Nos. 54-62) at Bates stamp pages 169, 304-308, 538-552, 554, 562-577, 586-587, 652-657 and 662-679. In support of this request, the company 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]." Proprietary confidential business information includes, but is not limited to "[i]nformation concerning . . . 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."

DOCUMENT NUMBER-DATE

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Subsection 366.093(3)(d), Florida Statutes. Proprietary confidential business information also includes “[i]nformation 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. 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(s).

3. Attached hereto as Exhibit "B" are two public versions of the Document(s) with the Confidential Information redacted, unless previously filed as indicated.

4. The Confidential Information contained in the Document(s) is intended to be and is treated by Tampa Electric as private and has not been publicly disclosed.

5. For the same reasons set forth herein in support of its request for confidential classification, Tampa Electric 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**

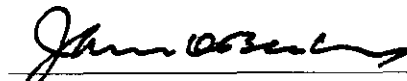
6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the company is in need of confidential 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 and motion.

WHEREFORE, Tampa Electric Company 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, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion. The company 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.

DATED this 15<sup>th</sup> day of December 2008.

Respectfully submitted,



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LEE L. WILLIS  
JAMES D. BEASLEY  
KENNETH R. HART  
J. JEFFRY WAHLEN  
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 and Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been served by hand delivery (\*) or U. S. Mail on this 15<sup>th</sup> day of December 2008 to the following:

Keino Young/Martha Brown\*  
Jennifer Brubaker/Jean Hartman  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

J. R. Kelly/Patricia A. Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Robert Scheffel Wright  
John T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301

Vicki Gordon Kaufman\*  
Jon C. Moyle, Jr.  
Anchors Smith Grimsley  
118 North Gadsden Street  
Tallahassee, FL 32301

John W. McWhirter, Jr.  
McWhirter, Reeves & Davidson, P.A.  
Post Office Box 3350  
Tampa, FL 33601-3350

Mr. Michael B. Twomey  
Post Office Box 5256  
Tallahassee, FL 32314-5256

Cecilia Bradley  
Office of the Attorney General  
The Capitol – PL 01  
Tallahassee, FL 32399-1050

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED  
PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO  
FIPUG'S EIGHTH PRODUCTION OF DOCUMENTS NOS. 54-62**

<b><u>Request POD No.</u></b>	<b><u>Bates Page Nos.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
56	169	The Highlighted Information	(1)
59	304-308	The Highlighted Information	(1)
60	538-552, 554, 562-577, 586- 587, 652-657, 662-679	The Highlighted Information	(2)

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- (1) The highlighted information provides details concerning the operation of Tampa Electric's transmission system. Disclosing this information publicly would provide power marketers and other potential suppliers of purchased power details concerning the reliability of Tampa Electric's system and the extent of Tampa Electric's need to rely on purchased power as well as the locations where that reliance is prevalent. This information would enable power marketers and other would-be suppliers of purchased power to Tampa Electric to profile or model Tampa Electric's purchased power needs and scheduling, thereby arming them with a negotiating advantage in their dealings with Tampa Electric. The ultimate effect would be to increase the cost of purchased power required by Tampa Electric to the ultimate detriment of Tampa Electric's customers. As such, the information in question relates to competitive interests, the disclosure of which would impair the competitive business of Tampa Electric. It follows that the information is entitled to confidential treatment pursuant to Section 366.093(3)(e), Florida Statutes.
- (2) The information contained on the listed pages is detailed, hourly information about the company's wholesale power transactions with various counterparties and system incremental costs.

Information about wholesale market transactions is competitive contractual information, the disclosure of which would be harmful to the position of counterparties and Tampa Electric in negotiating future contracts. Florida's wholesale market is entirely bilateral, i.e. all transactions are one-on-one and treated confidentially. Past, present and future market price discovery within Florida is accomplished via extensive and costly personal inquiry and research. Tampa Electric invests considerable time and resources "defining the market" each hour of each day. Historical price information is invaluable since the market is typically cyclical. Power quantities and actual prices paid for wholesale power by a market participant are invaluable information and are basic building blocks for future market price forecasting models.

In addition to market price discovery, a supplier's costs and availability are valuable information to other participants. A competitor can take advantage of another by knowing their hourly incremental cost of generation. This information can be used to determine the generator's level of vulnerability at any given time, i.e. the cost reveals which generating unit is currently on the margin. This information is invaluable in determining a participant's level of supply at any given time. Historical incremental generation cost data is also valuable to competitors in that it can be used to forecast a participant's future vulnerability level.

As such public disclosure of the information contained on these pages would adversely affect the competitive interests of Tampa Electric and its ability to contract for goods and services on favorable terms. The disclosure of this information would therefore be harmful to competitive interests, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes and Rule 25-22.006, Florida Administrative Code.

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**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) previously filed on \_\_\_\_\_

Other: Given the volume of the information in question, a single diskette containing the public version of the information is being provided, rather than two paper copies.



## **REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION**

Tampa Electric requests that the Confidential Information that is the subject of this request be treated as proprietary confidential business information exempt from the Public Records Law for a minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefore is set forth below:

n/a

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:** December 15, 2008

**TO:** James D. Beasley, Esquire/Ausley & McMullen

**FROM:** Marguerite H. McLean, Office of Commission Clerk

**RE:** Acknowledgement of Receipt of Confidential Filing

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**This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 080317-EI (DN 11564-08) or, if filed in an undocketed matter, concerning highlighted information contained in response to FIPUG's 8th request for PODs at Bates stamp pages 169 (No. 56), 304-308 (No. 59), and 538-552, 554, 562-577, 586-587, 652-657, and 662-679 (No. 60), and filed on behalf of Tampa Electric Company. 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.**