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December 17, 2008

HAND DELIVERED

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

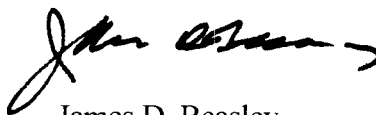
Dear Ms. Cole:

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 certain information contained in the Rebuttal Testimony of Joann T. Wehle.

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

- COM _____
- ECR _____
- GCL 2 _____
- OPC _____ JDB/pp
- RCP _____ Enclosure
- SSC _____ ec: All Parties of Record (w/enc.)
- SGA _____
- ADM _____
- CLK _____

DOCUMENT NUMBER-DATE

11650 DEC 17 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 080317-EI

FILED: December 17, 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 the Rebuttal Testimony of Joann T. Wehle at Bates stamp page 6. 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." Subsection 366.093(3)(d), Florida Statutes. Proprietary confidential business information also

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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.

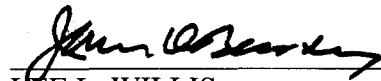
Requested Duration of Confidential Classification

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 17th day of December 2008.

Respectfully submitted,



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 17th 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



ATTORNEY

**JUSTIFICATIONS FOR CONFIDENTIAL TREATMENT
OF HIGHLIGHTED PORTION OF TAMPA ELECTRIC'S
WITNESS JOANN T. WEHLE'S REBUTTAL TESTIMONY**

<u>Document</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
Rebuttal Testimony of Joann T. Wehle	6	The highlighted information	(1)

- (1) The Confidential Information in question consists of substantive terms and conditions of a privately negotiated contract between Tampa Electric and a provider of competitive goods or services. Public disclosure of the Confidential Information could discourage Tampa Electric's counterparty under the contract from bidding on or negotiating for other contracts with Tampa Electric in the future, for fear of having its confidential contract terms and conditions made public. Public disclosure of the Confidential Information would also have a chilling effect on other potential providers of goods or services to Tampa Electric for the same reason. Public Disclosure of the Confidential Information would also let potential future providers of goods or services to Tampa Electric know the terms and conditions, including price, Tampa Electric was willing to commit to in the current contract, which would help them establish a floor on the price and other terms and conditions they would bid or require in future contract negotiations with Tampa Electric. It follows that the Confidential Information is information relative to bids or other contractual data, the disclosure of which would impair the efforts of Tampa Electric to contract for goods or services on favorable terms. It is also information relating to competitive interests, the disclosure of which would impair the competitive business of Tampa Electric and its counterparty to the agreement. These types of Confidential Information and treatment are expressly entitled to confidential designation under Section 366.093(3)(d) and (e), Florida Statutes.

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 X

Public Version(s) of the Document(s) previously filed on _____

1 Q. In order to begin taking delivery of solid fuels at Big
2 Bend Station, what infrastructure is required?

3
4 A. As described in the direct testimony of Tampa Electric
5 witness Mark Hornick, the company is required to
6 construct rail facilities. The facilities must be built
7 and tested in 2009 to begin taking delivery by January 1,
8 2010. These facilities will benefit customers for, at a
9 minimum, the five-year term of the contract.

10
11 Q. Mr. Larkin states in his testimony on page 21 that the
12 rail carrier stands to benefit from the movement of
13 additional coal and it would be appropriate for it to
14 absorb some of the needed facility costs, which is common
15 practice. Please comment on this statement.

16
17 A. I understand that railroads have absorbed costs or
18 contributed financially to the construction of rail
19 facilities but I am not aware of how often this
20 arrangement has occurred with railroads. In Tampa
21 Electric's contract with CSX, there is a provision for a
22 per ton refund in consideration for the construction of
23 the rail facilities [REDACTED]. Tampa
24 Electric proposes that it use the refund to first offset
25 the capital costs associated with the facilities that are

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25 the capital costs associated with the facilities that are

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 therefor is set forth below:

n/a

STATE OF FLORIDA

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



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: December 17, 2008

TO: Lee L. Willis, Ausley Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 080317 or, if filed in an undocketed matter, concerning highlighted information contained in reguttal testimony of Joann T. Wehle, 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 Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER-DATE
11651 DEC 17 08
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CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
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