

AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

January 8, 2009

HAND DELIVERED

RECEIVED-FPSC
09 JAN -8 PM 4:01
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

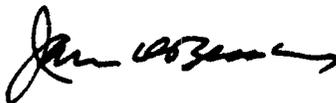
Dear Ms. Cole:

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 Staff's request for confidential documents.

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 JDB/pp
Enclosure
ICR
GCL 2 cc: All Parties of Record (w/enc.)
OPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK 1 _____

DOCUMENT NUMBER-DATE

00199 JAN-8 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 080317-EI

FILED: January 8, 2009

**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)

Those production of document responses, listed by Bates stamp page numbers, set forth in a Notice of Intent to Seek Confidential Classification filed in this proceeding on December 30, 2008 on behalf of Tampa Electric Company, a copy of said notice being attached hereto as Exhibit "D" and by reference made a part hereof.

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

DOCUMENT NUMBER-DATE

00199 JAN-8 8

FPSC-COMMISSION CLERK

“[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 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 proprietary 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

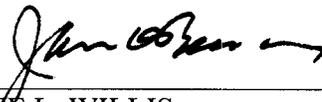
6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the

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 8th day of January 2009.

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 7th day of January, 2009 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

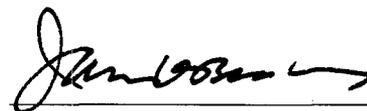
Robert Scheffel Wright
John T. LaVia, III
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, FL 32301

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

**JUSTIFICATIONS FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S**

| <u>Document Description</u> | <u>Bates stamp Page No.</u> | <u>Rationale</u> |
|--|-----------------------------|------------------|
| All documents identified in Exhibit "D" hereto | All | (1) |

(1) Each of the documents identified in Exhibit "D" is a research document prepared by an investment bank or similar financial institution. Tampa Electric or TECO Energy, Inc. is a paid subscriber for the information contained in the subject documents. Each of the documents is proprietary confidential business information which the preparer of the information expends great effort and expense to research, prepare and provide to subscribers who pay to receive this information. Public disclosure of the documents in question would compromise the business interests of the providers of the information and adversely affect their ability to attract or retain subscribers for the information in question. That is why each of the providers of the information in question has copyrighted the subject documents in order to protect the provider's competitive business interests. Any person wishing to have access to the information contained in the documents in question is presumably free to subscribe for that information from the entities that prepare and disseminate the information to their subscribers. In view of the foregoing, the information in question is proprietary confidential business information, work product of the provider and information the public disclosure of which would adversely affect the competitive interests of the provider. Such copyrighted work product is entitled to protection against public disclosure under Section 366.093, 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 _____

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

Other: All of the information contained in the confidential version of the copyrighted documents is redacted.

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 080317-EI

FILED: December 30, 2008

**NOTICE OF INTENT TO SEEK
CONFIDENTIAL CLASSIFICATION**

Tampa Electric Company ("Tampa Electric" or the "company") pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code hereby serves Notice of Intent to Seek Confidential Classification of the following documents the company is this date submitting under separate cover at the request of the Staff of the Florida Public Service Commission:

POD Request

Bate Stamp Page(s) Nos.

Staff's POD No. 2

54, 65-66, 68-71, 104, 106-107, 111, 204,
332, 336, 338, 403, 414, 581, 637, 690, 750,
752-753, 796-797, 827, 837, 863-870, 912, 922,
958, 1120, 1178, 1228-1236, 1266-1275,
1301-1317, 1326, 1427-1440, 1485, 1490,
1536-1537, 1541, 1543-1546, 1568-1569,
1570-1571, 1581-1585, 1601, 1907-1962,
2015-2036 and 2119-2145

Staff's POD No. 15

All pages

OPC POD No. 46

63,784-63,785
63,792-63,799

OPC POD No. 69

359-379, 380-419, 420-428, 532-574, 604-646

Tampa Electric has designated the above listed documents as proprietary confidential business information and requests that they be treated as such. The company will supplement this notice with a formal request for confidential treatment and a Motion for Temporary Protective

Exhibit "D"

Order in twenty-one (21) days of the date of this filing in accordance with Rule 25-22.006(3)(a),
Florida Administrative Code.

WHEREFORE, Tampa Electric Company submits the foregoing Notice of Intent to Seek
Confidential Classification.

DATED this 30th day of December 2008.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
KENNETH R. HART
J. JEFFRY WAHLEN
Ausley & McMullen
Post Office Box 392
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 Notice of Intent to Seek Confidential Classification, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 30th 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
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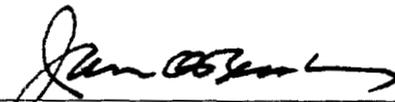
Robert Scheffel Wright
John T. LaVia, III
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, FL 32301

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

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



ATTORNEY

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