# AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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

August 13, 2013

#### HAND DELIVERED

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

16 PM 3:

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor; FPSC Docket No. 130001-EI

Dear Ms. Cole:

1.

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order of certain highlighted information contained in the company's Natural Gas Hedging Activities January 2013 through July 2013.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

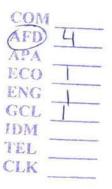
Thank you for your assistance in connection with this matter.

Sincerely,

James D. Beasley

JDB/pp Enclosure

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



#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: In re: Fuel and Purchased Power Cost Recovery Clause and Generating Performance Incentive Factor.

DOCKET NO. 130001-EI

FILED: August 16, 2013

#### 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) stamped "CONFIDENTIAL" and all information that is or may be printed on yellow paper stock stamped "CONFIDENTIAL" within the following described document(s), all of said confidential information being hereinafter referred to as "Confidential Information."

### Description of Document(s)

Report entitled "Tampa Electric Natural Gas Hedging Activities January 2013 through July 2013" consisting of one page. 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

includes "[i]information 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.

 Attached hereto as Exhibit "A" is a justification for confidential treatment of the Confidential Information contained in the above-described document(s).

 Attached hereto as Exhibit "B" are two public versions of the above-described documents with the Confidential Information redacted.

4. The Confidential Information contained in the above-described 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.

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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.

DATED this <u>16</u> day of August, 2013.

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Respectfully submitted,

MES D. BEASLEY

JAMES D. BEASLEY 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 has been served by hand delivery\* or U. S. Mail on this <u>16</u> day of August 2013, to the following:

Ms. Martha F. Barrera\* Senior Attorney Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Mr. John T. Burnett Ms. Dianne M. Triplett Duke Energy Florida, Inc. Post Office Box 14042 St. Petersburg, FL 33733

Mr. Paul Lewis, Jr. Duke Energy Florida, Inc. 106 East College Avenue Suite 800 Tallahassee, FL 32301-7740

Mr. Jon C. Moyle, Jr. Moyle Law Firm 118 N. Gadsden Street Tallahassee, FL 32301

Ms. Patricia A. Christensen Associate Public Counsel Office of Public Counsel 111 West Madison Street – Room 812 Tallahassee, FL 32399-1400

Ms. Beth Keating Gunster, Yoakley & Stewart, P.A. 215 S. Monroe St., Suite 601 Tallahassee, FL 32301

Samuel Miller, Capt., USAF USAF/AFLOA/JAC/ULFSC 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5319 Ms. Cheryl Martin Director/Regulatory Affairs Florida Public Utilities Company 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409

Mr. John T. Butler Assistant General Counsel - Regulatory Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420

Mr. Kenneth Hoffman Vice President, Regulatory Relations Florida Power & Light Company 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1859

Mr. Robert L. McGee, Jr. Regulatory and Pricing Manager Gulf Power Company One Energy Place Pensacola, FL 32520-0780

Mr. Jeffrey A. Stone Mr. Russell A. Badders Mr. Steven R. Griffin Beggs & Lane Post Office Box 12950 Pensacola, FL 32591-2950

Mr. Robert Scheffel Wright
Mr. John T. LaVia, III
Gardner, Bist, Wiener, Wadsworth,
Bowden, Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308

Mr. Randy B. Miller White Springs Agricultural Chemicals, Inc. Post Office Box 300 White Springs, FL 32096

Ms. Cecilia Bradley Senior Assistant Attorney General Office of the Attorney General The Capitol – PL01 Tallahassee, FL 32399-1050

\*

Mr. James W. Brew Mr. F. Alvin Taylor Brickfield, Burchette, Ritts & Stone, P.C. 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, D.C. 20007-5201

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### JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC'S REPORT ENTITLED "TAMPA ELECTRIC NATURAL GAS HEDGING <u>MANAGEMENT ACTIVITIES JANUARY THROUGH JULY 2013"</u>

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Document Description	Bates Page No.	<b>Detailed Description</b>	Rationale	
One Page Report	Bates Page No. 3	All Highlighted Information	(1)	

(1) The information contained on the listed page contains hedged fuel prices mark-to-market savings or losses, hedged volumes of natural gas and hedging percentages, all of which types of information have been recognized by the Commission on numerous occasions to constitute proprietary confidential business information, the disclosure of which would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms and, likewise, the disclosure of which would be harmful to the competitive interests of Tampa Electric. See, for example, Order Nos. PSC-07-0859-CFO-EI and PSC-07-0860-CFO-EI. This is the specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law.

## 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\_\_\_\_\_

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Public Version(s) of the Document(s) previously filed on \_\_\_\_\_

# REDACTED

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TAMPA ELECTRIC COMPANY DOCKET NO. 130001-EI HEDGING ACTIVITY REPORT EXHIBIT NO. \_\_\_ (JBC-3), PAGE 1 OF 1 FILED: AUGUST 16, 2013

# Tampa Electric Natural Gas Risk Management Activities January 1, 2013 through July 31, 2013

	Type of Hedge	Mark-to-Market Saving/(Loss)	Hedged Volume (MMBTU)	Consumption (MMBTU)	Percent Hedged	Budget Price	Hedge Price	Settle Price
Jan-13	Swaps	(\$1,482,130)	2 State Prove Providence	4,355,657				\$3.35
Feb-13	Swaps	(\$1,744,150)		5,362,808				\$3.23
Mar-13	Swaps	(\$828,170)		3,761,758				\$3.43
Apr-13	Swaps	\$1,127,945		4,873,898				\$3.98
May-13	Swaps	\$1,794,365		5,474,303				\$4.15
Jun-13	Swaps	\$1,902,130		6,500,554				\$4.15
Jul-13	Swaps	(\$190,245)		5,973,210			Stree St.	\$3.71
Total		\$579,745		36,302,188				

# REDACTED

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Total		\$579,745		36,302,188				-

#### **REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION**

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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:

Tampa Electric requests that the Confidential Information that is the subject of this request be treated by the Commission as confidential proprietary business information for a minimum of three years. The data in question provides detailed hedging strategies and actions, many of which are of a continuing nature and which could well be in place beyond the standard 18 month period that confidential information is treated as such by the Commission. The information in question would disclose the company's risk management strategies by making public the hedged prices Tampa Electric has settled on. Disclosing this type of information sooner than three years after it is submitted would arm would-be suppliers of goods and services, as well as competitors of Tampa Electric, with key components of the company's risk management strategies. A minimum of three years is essential to prevent those entities in the fuel and purchased power markets from having access to information they could use to the competitive disadvantage of Tampa Electric, which would increase the fuel and purchased power costs borne by Tampa Electric's customers.