

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 150001-EI
ORDER NO. PSC-15-0468-CFO-EI
ISSUED: October 15, 2015

ORDER GRANTING TAMPA ELECTRIC COMPANY'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION (DOCUMENT NO. 04933-15)

On August 4, 2015, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Tampa Electric Company (TECO) filed a Request for Confidential Classification (Request) of the highlighted information on Bates stamp page 10 of the company's Risk Management Plan (the Plan) (Document No. 04933-15). This request was filed in Docket No. 150001-EI.

Request for Confidential Classification

TECO contends that the information contained in the Plan constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. TECO contends that the highlighted information on Bates stamp page 10 of the Plan would disclose its purchasing strategy, both with respect to fuel and purchasing power, and its planned risk exposure. TECO asserts that those who have an interest in supplying TECO's fuel and power purchase needs could use this valuable information to help them force more favorable terms, to the detriment of TECO and its ratepayers, than would otherwise be the case. In addition, TECO asserts that they could learn of TECO's plans and needs and use that information in exacting better prices for meeting those needs.

Further, TECO asserts that disclosing its risk exposure levels on a monthly basis would provide an indicator of vulnerability to market price and would-be suppliers of both fuel and power purchases could simply withhold supply and price their fuel and power offerings at a higher level than they would otherwise. TECO notes that power suppliers could perform maintenance on their units during months when its exposure is low, so that they would have their power to sell at high prices during months that TECO's exposure is high.

Additionally, TECO contends that disclosure of the highlighted information in the Plan would provide highly sensitive information to recipients regarding the manner and timing of TECO's entry into the fuel and power markets. TECO asserts that the knowledge of this information would allow the opportunity for market manipulation through transactions made in anticipation of TECO's entry into the market. TECO asserts that market manipulations based on knowledge of the highlighted information would increase the price of fuel and purchased power paid by TECO's customers as well as the price paid by the company to hedge the customers' price of fuel and purchased power. TECO contends that disclosure of this information could impair its efforts to contract goods and services on favorable terms for the benefit of its customers. TECO asserts that the information has not been disclosed to the public and TECO has

treated and continues to treat the information at issue as confidential. TECO argues that such information is protected pursuant to Section 366.093(3)(d) and (e), F.S.

TECO requests that the Plan be treated by the Florida Public Service Commission (Commission) as confidential proprietary business information for a minimum of three years. In support of its Request, TECO states that the Plan provides detailed strategies, many of which are of a continuing nature, and could be in place beyond the standard eighteen month period that confidential information is treated by the Commission as such. TECO contends that the various risk management strategy components build upon each other and disclosing the company's basic plan sooner than three years after it is submitted would arm would-be suppliers of goods and services, as well as TECO's competitors, with the bulk of the Plan's components. TECO asserts that 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 TECO's competitive disadvantage, which would increase the fuel and purchased power costs borne by its customers. In Order No. PSC-14-0509-CFO-EI, issued September 24, 2014, the Commission approved TECO's request that confidential classification of its Plan be extended for a period of three years.

Ruling

Section 366.093(1), F.S., provides that records the Commission has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section 366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

(d) Information concerning bids or other 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.

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information described above appears to be information concerning bids or other contractual data, the disclosure of which would impair the efforts of TECO or its affiliates to contract for goods or services on favorable terms and information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Thus, the information identified in Document No. 04933-15 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., confidential classification may only extend for up to 18 months from the issuance of an Order granting confidential classification unless "the

Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period.” TECO appears to have provided sufficient information concerning the harm which could arise from not protecting this information for a minimum of three years. Accordingly, the information identified in Document No. 04933-15, shall be granted confidential classification for a period of three years from the issuance of this Order.

Based on the foregoing, it is hereby

ORDERED by Chairman Art Graham, as Prehearing Officer, that Tampa Electric Company’s Request for Confidential Classification of Document No. 04933-15 is granted. It is further

ORDERED that the information in Document No. 04933-15, for which confidential classification has been granted, shall remain protected from disclosure for a period of three years from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Chairman Art Graham, as Prehearing Officer, this 15th day of October, 2015.


ART GRAHAM
Chairman and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.