

# 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

October 31, 2005

HAND DELIVERED

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause with Generating  
Performance Incentive Factor; FPSC Docket No. 050001-EI

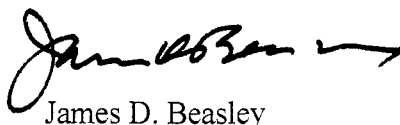
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification and for a Protective Order of portions of its answers to Staff's Eighth Set of Interrogatories (Nos. 81-110).

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

10508 OCT 31 05

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery )  
Clause with Generating Performance Incentive ) DOCKET NO. 050001-EI  
Factor. ) FILED: October 31, 2005  
\_\_\_\_\_ )

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**  
**AND FOR A 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 requests confidential classification of certain highlighted information contained in portions of its answers to the Florida Public Service Commission Staff’s Eighth Set of Interrogatories (Nos. 81-110). The confidential information in question appears on Bates stamp page 23 of the company’s answer to Interrogatory No. 90; Bates stamp page 25 of the company’s answer to Interrogatory No. 92; Bates stamp page 32 of the company’s answer to Interrogatory No. 97; Bates stamp page 33 of the company’s answer to Interrogatory No. 98; Bates stamp page 34 of the company’s answer to Interrogatory 99; and Bates stamp page 35 and 36 of the company’s answer to Interrogatory No. 100 (referred to as the “Confidential Information”). A single yellow highlighted copy of the Confidential Information contained in Interrogatory Nos. 90, 92 and 97-100 is being separately filed with the Commission this date. This request is also intended to serve as a request for a protective order, within the contemplation of Rule 25-22.006(6)(b), Florida Administrative Code, such that it will protect the Confidential Information from public disclosure while in the possession of the Office of Public Counsel and the Florida Industrial Power Users Group. Attached hereto as Exhibit “A” is a justification for designating the

Confidential Information proprietary confidential business information under the above-referenced statute and rule.

1. Subsection 366.093(1), Florida Statutes, provides that any records “found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s.119.07(1) [requiring disclosure under the Public Records Act].” The 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. (Section 366.093(3)(d), Florida Statutes)

2. Proprietary confidential business information also includes:

(e) 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)

3. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

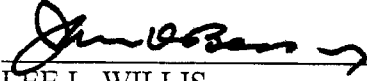
4. The material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

5. The request for confidential classification is intended to serve as Tampa Electric’s motion for a protective order pursuant to Rule 25-22.006(6), Florida Administrative Code.

WHEREFORE, Tampa Electric respectfully requests that the highlighted Confidential Information set forth in its Answers to Staff’s Eighth Set of Interrogatories (Nos. 90, 92 and 97-100) be accorded confidential classification for the reasons set forth above.

DATED this 31<sup>st</sup> day of October 2005.

Respectfully submitted,



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LEE L. WILLIS  
JAMES D. BEASLEY  
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, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 31<sup>st</sup> day of October 2005 to the following:

Ms. Adrienne E. Vining\*  
Senior Attorney  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

Mr. James A. McGee  
Associate General Counsel  
Progress Energy Florida, Inc.  
Post Office Box 14042  
St. Petersburg, FL 33733

Mr. Gary V. Perko  
Hopping Green & Sams P.A.  
P.O. Box 6526  
Tallahassee, FL 32314

Mr. Timothy J. Perry\*  
McWhirter, Reeves & Davidson, P.A.  
117 S. Gadsden Street  
Tallahassee, FL 32301

Mr. John W. McWhirter, Jr.  
McWhirter, Reeves & Davidson, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-5126

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

Mr. Norman Horton  
Messer Caparello & Self  
Post Office Box 1876  
Tallahassee, FL 32302

Ms. Cheryl Martin  
Florida Public Utilities Company  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

Mr. John T. Butler  
Squire, Sanders & Dempsey, L.L.P.  
200 South Biscayne Boulevard  
Suite 4000  
Miami, FL 33131-2398

Mr. William Walker  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

Mr. R. Wade Litchfield  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

Ms. Susan Ritenour  
Secretary and Treasurer  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

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

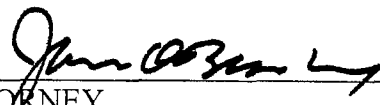
Mr. Jon C. Moyle, Jr.  
Moyle, Flanigan, Katz, Raymond &  
Sheehan, P.A.  
118 N. Gadsden Street  
Tallahassee, FL 32301

Mr. Robert Scheffel Wright  
Mr. John T. LaVia, III  
Landers & Parsons, P.A.  
310 West College Avenue  
Tallahassee, FL 32301

Mr. Mark Hoffman  
Legal Department  
CSX Transportation  
500 Water Street, 14<sup>th</sup> Floor  
Jacksonville, FL 32202

Lieutenant Colonel Karen White  
Major Craig Paulson  
AFCESA/ULT  
139 Barnes Drive  
Tyndall Air Force Base, FL 32403

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

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED  
PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO  
STAFF'S EIGHTH SET OF INTERROGATORIES (NOS. 81-110)**

<b><u>Bates Stamp Page No.</u></b>	<b><u>Interrogatory No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
23	90 (Page 1 of 1)	The Highlighted Information	(1)
25	92 (Page 1 of 3)	The Highlighted Information	(1)
32	97 (Page 1 of 1)	The Highlighted Information	(1)
33	98 (Page 1 of 1)	The Highlighted Information	(1)
34	99 (Page 1 of 1)	The Highlighted Information	(1)
35	100 (Page 1 of 2)	The Highlighted Information	(1)
36	100 (Page 2 of 2)	The Highlighted Numbers	(1)

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- (1) The information in question is entitled to confidential treatment as confidential proprietary business information pursuant to Section 366.093(3)(d) and (e), Florida Statutes. The information in question was contained in sealed bids which the bidders requested be kept confidential. Public disclosure of the information in question contrary to the request of the bidders would harm Tampa Electric in that it would discourage the bidders from bidding on future contracts with Tampa Electric. This would reduce the pool of potential bidders thereby reducing competition for lower prices.