

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

April 25, 2008

HAND DELIVERED

RECEIVED-FPSC
08 APR 25 PM 3:45
COMMISSION
CLERK

Ms. Ann Cole, Director
Division of Commission Clerk
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. 080001-EI

Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Motion for Temporary Protective Order regarding Office of Public Counsel's request for confidential documents filed in the above docket on April 3, 2008.

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.

(Conf. DNS
02580-08 E
02583-08)

Sincerely,

James D. Beasley

CMP 1
COM _____
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OPC _____
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EC _____

JDB/pp
Enclosure

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

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DOCUMENT NUMBER-DATE

03400 APR 25 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 080001-EI
FILED: April 25, 2008

**TAMPA ELECTRIC COMPANY'S
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 moves the Commission for a temporary protective order protecting against public disclosure of the highlighted information on page 6 of the prepared direct testimony of Joann T. Wehle and pages 3 and 5 of the company's Risk Management Report ("the Report"), all of which were filed on April 3, 2008 in the above docket, with the duration of the protection being the same minimum of three years as requested in the company's April 3, 2008 Requests for Confidential Classification relating to the same confidential information and, as grounds therefor, says:

1. Subsequent to the filing of its Requests for Confidential Classification and its confidential filing of information contained on page 6 of the prepared direct testimony of Joann T. Wehle and on pages 3 and 5 of the company's Report, Office of Public Counsel requested copies of the same confidential information.

2. Rule 25-22.006(6)(c), Florida Administrative Code, states that when a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from Section 119.07(1), Florida Statutes.

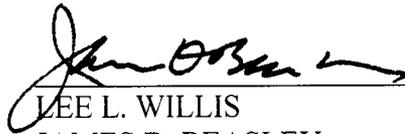
DOCUMENT NUMBER-DATE
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FPC-COMMISSION CLERK

3. Attached hereto as Exhibit "A" is one copy each of the company's Requests for Confidential Classification of the above-referred to confidential information filed on April 3, 2008 stating the company's basis for requesting confidential classification of the information in question. Tampa Electric incorporates herein by reference the justifications set forth in those two requests as its basis for entry of a temporary protective order to protect the same confidential information while in the possession of Office of Public Counsel.

WHEREFORE, Tampa Electric Company submits the foregoing as its Motion for a Temporary Protective Order of the confidential information contained on page 6 of the prepared direct testimony of Joann T. Wehle and pages 3 and 5 of the company's Risk Management Report, all of which was filed April 3, 2008 in the above proceeding.

DATED this 25th day of April 2008.

Respectfully submitted,



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 Motion for Temporary Protective Order has been furnished by U. S. Mail or hand delivery (*) on this 25th day of April 2008 to the following:

Ms. Lisa Bennett*
Staff Attorney
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. John T. Burnett
Associate General Counsel
Progress Energy Service Co., LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042

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

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 15579
Tallahassee, FL 32317

Mr. Mehrdad Khojasteh
Florida Public Utilities Company
P. O. Box 3395
West Palm Beach, FL 33402-3395

Mr. John T. Butler
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

Mr. R. Wade Litchfield
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

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One Energy Place
Pensacola, FL 32520-0780

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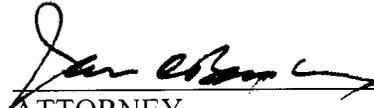
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Mr. John T. LaVia, III
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
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Post Office Box 5256
Tallahassee, FL 32314-5256

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139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403-5319

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

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



ATTORNEY

Exhibit "A"

DOCUMENT NUMBER-DATE
03400 APR 25 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 080001-EI
Factor.) FILED: April 3, 2008
_____)

**TAMPA ELECTRIC COMPANY'S
REQUEST FOR 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 requests confidential classification of certain highlighted information contained in the Prepared Direct Testimony of Joann T. Wehle filed in this proceeding on April 3, 2008 (the "Confidential Information"). 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)

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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.

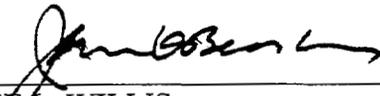
4. The material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

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 portions of the Confidential Information contained in the Prepared Direct Testimony of Joann T. Wehle be accorded confidential classification for the reasons set forth above.

DATED this 3rd day of April 2008.

Respectfully submitted,



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 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 day of April 2008 to the following:

Ms. Lisa Bennett*
Staff Attorney
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. John T. Burnett
Associate General Counsel
Progress Energy Service Co., LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042

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

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McWhirter, Reeves & Davidson, P.A.
400 North Tampa Street, Suite 2450
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Associate Public Counsel
Office of Public Counsel
111 West Madison Street – Room 812
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Mr. Norman Horton
Messer Caparello & Self
Post Office Box 15579
Tallahassee, FL 32317

Mr. Mehrdad Khojasteh
Florida Public Utilities Company
P. O. Box 3395
West Palm Beach, FL 33402-3395

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Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

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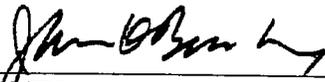
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Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, D.C. 20007-5201



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT
OF CONFIDENTIAL INFORMATION CONTAINED IN THE
PREPARED DIRECT TESTIMONY OF JOANN T. WEHLE
(FILED APRIL 3, 2008)**

<u>Testimony Page No.</u>	<u>Description</u>	<u>Rationale</u>
Page 6, line 12	The Highlighted Number	(1)

- (1) This number shows the percentage of Tampa Electric's natural gas usage that was protected from price volatility as a result of the natural gas hedging activities the company engaged in. Disclosure of this information would afford natural gas suppliers, brokers and hedging counterparties with inside information on Tampa Electric's hedging strategies and prioritizations. This could adversely impact Tampa Electric and its hedging activities and negotiations relating thereto. Consequently, this competitively sensitive information is confidential proprietary business information protected under Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code.

Exhibit "A"

DOCUMENT NUMBER-DATE
03400 APR 25 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 080001-EI
Factor.) FILED: April 3, 2008
_____)

**TAMPA ELECTRIC COMPANY'S
REQUEST FOR 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 requests confidential classification of the highlighted information on pages 3 and 5 of the company's Risk Management Report ("the Report") filed this date on a confidential basis in the above docket, with the duration of that confidential classification to be a minimum of three years. In support of its request, Tampa Electric states as follows:

1. Subsection 366.093(1) 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) [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). 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). The designated portions of the Report fall within these statutory categories and, thus, constitute propriety confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

DOCUMENT NUMBER - DATE

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2. Disclosure of the highlighted information on pages 3 and 5 of the Report would disclose Tampa Electric's current purchasing strategy (both with respect to fuel and purchased power) and risk exposure. Those who have an interest in supplying Tampa Electric's fuel and purchased power needs could use this valuable information to help them negotiate more favorable terms, to the detriment of Tampa Electric and its ratepayers, than would otherwise be the case. They could learn of the company's plans and needs and use that information in exacting better prices for meeting those needs.

3. Disclosing the company's risk exposure levels on a monthly basis would provide an indicator of vulnerability to market price. Would-be suppliers of both fuel and purchased power could simply withhold supply and price their fuel and purchase power offerings at a higher level than they would otherwise. Power suppliers could perform maintenance on their units during months when the company's exposure is low, so that they would have their power to sell through at high prices during months that Tampa Electric's exposure is high.

4. Disclosure of the highlighted information in the Report would also provide highly sensitive information to recipients regarding the manner and timing of Tampa Electric's entry into the fuel and purchased power markets. Knowledge of this information would allow the opportunity for market manipulation through transactions made in anticipation of the company's entry into the market. Market manipulations based on knowledge of the highlighted information would increase the price of fuel and purchased power paid by Tampa Electric's customers as well as the price paid by the company to hedge the customers' price of fuel and purchased power. These effects of disclosure would impair the efforts of Tampa Electric to contract for goods and services on favorable terms for the benefit of its customers.

5. The highlighted contractual fuel price information shown in the Report represents contract prices that are less than two years old, within the period of time that contract prices are typically protected to preserve the company's competitive position in negotiating fuel supply contracts. Any contract price shown in the Report without highlighting represents an older, and therefore no longer competitively sensitive, price. Disclosing Tampa Electric's highlighted actual contractual fuel prices and the market indexes upon which fuel contract prices are based would impair Tampa Electric's future efforts to contract for goods and services on favorable terms. The information could be used by suppliers to affect the price of fuel that Tampa Electric will need to purchase in the future since the provider's bids might be influenced if they had knowledge of existing contract rates. Knowledge of this information would allow fuel suppliers to use this valuable information to help them negotiate more favorable terms, to the detriment of Tampa Electric and its ratepayers, than would otherwise be the case.

6. The highlighted information contained in the company's Report for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been publicly disclosed.

7. On October 31, 2007, the Commission granted Tampa Electric's Request for Confidential Classification of portions of the company's Risk Management Report filed on April 2, 2007 with respect to the same information for which Confidential Classification is sought in the Report filed this date.

Requested Duration of Confidential Classification

8. Tampa Electric requests that its Risk Management Report be treated by the Commission as confidential proprietary business information for a minimum of three years. This Report provides detailed strategies many of which are of a continuing nature and which could

well be in place beyond the standard eighteen-month period that confidential information is treated by the Commission as such. 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 competitors of Tampa Electric, with the bulk 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.

WHEREFORE, Tampa Electric respectfully requests that the highlighted information set forth on pages 3 and 5 of the company's Report be accorded confidential classification for the reasons set forth above.

DATED this 3rd day of April 2008.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
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Tallahassee, FL 32301

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Post Office Box 5256
Tallahassee, FL 32314-5256

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