

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

January 19, 2021

HAND DELIVERED

Mr. Adam J. Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Petition of Tampa Electric Company for approval of Direct Current Microgrid
Pilot Program; FPSC Docket No. 20200234-EI

Dear Mr. Teitzman:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification of all the information contained in the company's answers to Staff's First Data Request (No. 1-25).

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,



Malcolm N. Means

MNM/bmp
Enclosure

cc: All Parties of Record (w/enclosure)

COM	___
AFD	___
APA	___
ECO	___
ENG	<u>5</u>
GCL	<u>1</u>
IDM	___
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 COMMISSION
 CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric Company)
for Approval of Direct Current Microgrid)
Pilot Program and for Variance or Waiver)
of Rule 25-6.065 of the Florida)
Administrative Code)
_____)

DOCKET NO.: 20200234

FILED: January 19, 2021

**TAMPA ELECTRIC COMPANY'S
FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND REQUEST 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 requests 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.").

Introduction

On December 28, 2020, Commission Staff served Tampa Electric with its First Data Request in this docket. *See* Document No. 13755-2020. Among other things, this Data Request seeks copies of three agreements between Tampa Electric and other parties related to the development of the DC Microgrid Pilot Project. These agreements are known as the "Builder Agreement," the "Developer Agreement," and the "EPC Agreement." Tampa Electric hereby requests confidential classification of these documents so that it may produce them to Staff while retaining confidential treatment for the documents.

Description of the Document(s)

The information for which confidential treatment is requested is highlighted in yellow on the Builder Agreement, the Developer Agreement, and the EPC Agreement. 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 proprietary 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: (1) “[s]ecurity measures, systems, or procedures;” (2) “[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;” and (3) “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” §366.093(3)(c)-(e), Fla. Stat. The Confidential Information that is the subject of this request and motion falls within these 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 Documents.
3. Attached hereto as Exhibit "B" are two public versions of the Documents with the Confidential Information redacted, unless previously filed as indicated.
4. The Confidential Information contained in the Documents 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)(a) of the Florida Administrative Code.

Requested Duration of Confidential Classification

6. Pursuant to Rule 25-22.006(9)(a), Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for 48 months. 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 48 months. 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 19th day of January, 2021.

Respectfully submitted,



JAMES D. BEASLEY
jbeasley@ausley.com
J. JEFFRY WAHLEN
jwahlen@ausley.com
MALCOLM N. MEANS
mmeans@ausley.com
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, filed on behalf of Tampa Electric Company, has been furnished by electronic mail on this 19th day of January, 2021 to the following:

Ms. Suzanne Brownless
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
sbrownle@psc.state.fl.us
kschrade@psc.state.fl.us

Office of Public Counsel
J. R. Kelly
Public Counsel
Mireille Fall-Fry
Associate Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
Kelly.jr@leg.state.fl.us
Fall-fry.mireille@leg.state.fl.us

Southern Alliance for Clean Energy
George Cavros
120 E. Oakland Park Blvd
Fort Lauderdale, FL 33334
george@cavros-law.com

Vote Solar
Katie Chiles Ottenweiler
838 Barton Woods Rd NE
Atlanta, GA 30307
katie@votesolar.org

Ken Plante
680 Pepper Building
111 W. Madison Street
Tallahassee, FL 32399
joint.admin.procedures@leg.state.fl.us



ATTORNEY

JUSTIFICATION FOR CONFIDENTIAL TREATMENT

<u>Builder Agreement</u>			
<u>Page Number</u>	<u>Paragraph Number</u>	<u>Detailed Description</u>	<u>Rationale</u>
2	1.2	The Highlighted Information	(1)
2	2.1	The Highlighted Information	(1)
2	2.2(iii)	The Highlighted Information	(1)
3	2.4	The Highlighted Information	(1)
4	3.2	The Highlighted Information	(1)
4	3.4	The Highlighted Information	(1)
5	3.4	The Highlighted Information	(1)
5	3.5	The Highlighted Information	(1)
7	3.8	The Highlighted Information	(1)
7	5	The Highlighted Information	(1)
8	5	The Highlighted Information	(1)
8	7	The Highlighted Information	(1)
9	9	The Highlighted Information	(1)
9	10	The Highlighted Information	(1)
10	11	The Highlighted Information	(1)
13-14	Exhibit B	The Highlighted Information	(1)

<u>Developer Agreement</u>			
<u>Page Number</u>	<u>Paragraph Number</u>	<u>Detailed Description</u>	<u>Rationale</u>
2	2	The Highlighted Information	(1)
2	3.2	The Highlighted Information	(1)
3	3.2	The Highlighted Information	(1)
4	3.6	The Highlighted Information	(1)
5	7	The Highlighted Information	(1)

<u>EPC Agreement</u>			
<u>Page Number</u>	<u>Article or Section</u>	<u>Detailed Description</u>	<u>Rationale</u>
Table of Contents	Article 14	The Highlighted Information	(1)
List of Exhibits	Exhibit F	The Highlighted Information	(1)
List of Exhibits	Exhibit M	The Highlighted Information	(1)
2	1.1	The Highlighted Information	(1)
3	1.1	The Highlighted Information	(1)
4	1.1	The Highlighted Information	(1)
5	1.1	The Highlighted Information	(1)
7	1.1	The Highlighted Information	(1)
8	1.1	The Highlighted Information	(1)
9	1.1	The Highlighted Information	(1)

10	2.1	The Highlighted Information	(1)
11	2.1.j	The Highlighted Information	(1)
13	2.2(b)(ii)	The Highlighted Information	(1)
13-14	2.2(b)(iii)	The Highlighted Information	(1)
14	2.2(b)(iv)	The Highlighted Information	(1)
16	2.5	The Highlighted Information	(1)
19	2.16(a)	The Highlighted Information	(1)
19-20	2.18	The Highlighted Information	(1)
20	3.1	The Highlighted Information	(1)
20	3.3(a)	The Highlighted Information	(1)
21	3.5(b)(ii)	The Highlighted Information	(1)
22	4.1(d)	The Highlighted Information	(1)
23	4.3(b)	The Highlighted Information	(1)
23	4.3(c)	The Highlighted Information	(1)
24	4.6	The Highlighted Information	(1)
24	4.7	The Highlighted Information	(1)
25	5.1(a)(ii)	The Highlighted Information	(1)
25	5.1(a)(iv)	The Highlighted Information	(1)
26	5.3(a)	The Highlighted Information	(1)

26	5.3(c)	The Highlighted Information	(1)
27	6.1(c)	The Highlighted Information	(1)
27	6.1(d)	The Highlighted Information	(1)
27	6.2(a)	The Highlighted Information	(1)
28	6.2(c)	The Highlighted Information	(1)
29	7.2(b)	The Highlighted Information	(1)
30	7.4	The Highlighted Information	(1)
30	7.6	The Highlighted Information	(1)
31	8.1(a)	The Highlighted Information	(1)
31	8.2	The Highlighted Information	(1)
31	Article 9	The Highlighted Information	(1)
32	Article 10	The Highlighted Information	(1)
33	11.3	The Highlighted Information	(1)
33	12.2(a)(i)	The Highlighted Information	(1)
34	12.2(a)(iv)	The Highlighted Information	(1)
34	12.2(a)(v)	The Highlighted Information	(1)
34	12.2(b)	The Highlighted Information	(1)
34	12.2(c)	The Highlighted Information	(1)
34	12.2(d)	The Highlighted Information	(1)

34-35	12.3(a)	The Highlighted Information	(1)
35	12.3(b)	The Highlighted Information	(1)
35	12.3(c)	The Highlighted Information	(1)
35	12.4	The Highlighted Information	(1)
37	Article 14	The Highlighted Information	(1)
37	15.1(b)	The Highlighted Information	(1)
39-40	15.6(a)-(d)	The Highlighted Information	(1)
40-41	15.7	The Highlighted Information	(1)
41-42	16.1	The Highlighted Information	(1)
43	18.3	The Highlighted Information	(1)
47	20.7(a)-(b)	The Highlighted Information	(1)
47	20.7(d)	The Highlighted Information	(1)
48	20.13	The Highlighted Information	(1)
EPC Agreement - Exhibits			
<u>Exhibit</u>	<u>Section</u>	<u>Detailed Description</u>	<u>Rationale</u>
A	5.1.2	The Highlighted Information	(1)
A	5.3.1	The Highlighted Information	(1)
A	5.3.2	The Highlighted Information	(1)
A	6.5.2	The Highlighted Information	(2)

A	Attachment A.3 Section 1.6	The Highlighted Information	(1)
B	B-5(a)	The Highlighted Information	(1)
C	2	The Highlighted Information	(1)
F	Entire Exhibit	The Highlighted Information	(1)
I	Entire Exhibit	The Highlighted Information	(1)
L	Entire Exhibit	The Highlighted Information	(1)
O	Entire Exhibit	The Highlighted Information	(2)
Q	Entire Exhibit	The Highlighted Information	(2)

- (1) The information consists of contractual information including pricing data and contractual terms which were negotiated between Tampa Electric and outside parties related to the development and implementation of the DC Microgrid Pilot Program. This Program constitutes an experimental, first of its kind project with unique business considerations. As a result, the parties agreed to make accommodations that they may not have agreed to in the absence of an experimental pilot program. The disclosure of this contractual information would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms and, likewise, harmful to the competitive interests of Tampa Electric and the parties with which it contracts. This is the specific type of information described in Section 366.093(1)(d) and (e) as being entitled to confidential classification and exemption from the Public Record Law. This information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.
- (2) This information includes information about the project site and/or system design, public disclosure of which could potentially impair safe and secure operation of the DC Microgrid. This information is entitled to confidential classification as it is information of the type described in Section 366.093(1)(c) of the Florida Statutes as being entitled to confidential classification and exemption from the Public Record Law. This information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

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 1/19/21

REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION

Rule 25-22.006(9)(a) of the Florida Administrative Code provides the Commission may approve confidential classification of information for a period longer than 18 months if it finds, for good cause, that such longer period is necessary to protect the business operations of the utility or affected person. Pursuant to this provision, 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 period of 48 months from the date of the order granting such classification. There is good cause for such an extended classification. Tampa Electric's Petition in this docket requests that the Commission approve a DC Microgrid Pilot Program with a duration of 48 months. The Confidential Information included in this Request consists of contractual pricing data; contractual language agreed to by the parties to facilitate this first of its kind, experimental pilot; and project site and design information. Public disclosure of this information before the conclusion of the 48-month pilot period would impair the efforts of Tampa Electric to contract for future experimental pilot programs on favorable terms, would impair the competitive interests of Tampa Electric and its counterparties in this Pilot Program, and would potentially impact the safe and secure operation of the DC Microgrid during the Pilot. Granting the requested 48-month confidentiality period will also be administratively efficient in that it will avoid the company having to submit, and the Commission having to process, requests for extensions of confidential protection during the course of the pilot program. Tampa Electric accordingly requests that confidential treatment of this information extend for the full duration of the Pilot Program.