



March 5, 2024

VIA ELECTRONIC FILING

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

Re: Docket No. 20230019-EI; Petition for recovery of costs associated with named tropical systems during the 2018-2022 hurricane seasons and replenishment of storm reserve, by Tampa Electric Company.

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Motion for Temporary Protective Order pertaining to Tampa Electric's Response to Office of Public Counsel's Third Request for Production of Documents (Nos. 38-45) and Fourth Set of Interrogatories (Nos. 32-33), served by electronic mail on February 12, 2024.

Thank you for your assistance in connection with this matter.

Sincerely,

A handwritten signature in blue ink that reads 'Malcolm N. Means'.

Malcolm N. Means

MNM/bml
Attachment

cc: All parties of record (w/att.)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for recovery of costs associated with named tropical systems during the 2018-2022 hurricane seasons and replenishment of storm reserve, by Tampa Electric Company.

DOCKET NO. 20230019-EI

**TAMPA ELECTRIC COMPANY'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Tampa Electric Company, (“Tampa Electric” or “the company”), pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, hereby requests that the Commission issue a temporary protective order exempting from Section 119.07(1), Florida Statutes, certain information specified herein as requested by the Office of Public Counsel (“OPC”) through discovery, and for the protection of that information against public disclosure pending OPC’s review of it. In support of its Motion, the company states:

1. On February 12, 2024, OPC served on Tampa Electric its Third Request for Production of Documents (Nos. 38-45) (“OPC’s Discovery Request”).
2. On this date, Tampa Electric has served its response to OPC’s Discovery Request by providing files on a CD or USB drive. The company believes that all or portions of its Response to the discovery requests specified on Exhibit A constitute “proprietary confidential business information” and has designated it as such by placing it on a CD or USB drive labeled as confidential.
3. Tampa Electric considers the designated information in its Response to be “proprietary confidential business information” that is entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes.
4. Proprietary confidential business information includes but is not limited to: (a) trade secrets; (b) internal auditing controls and reports of internal auditors; (c) security measures,

systems, or procedures; (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; and (f) employee personnel information unrelated to compensation, duties, qualifications, or responsibilities. §366.093(3)(a)-(f), Florida Statutes. The confidential information that is the subject of this Motion falls within one or more of these statutory categories and, thus, constitutes proprietary confidential business information.

5. Exhibit A identifies OPC's Discovery Request to which the company's Response is considered confidential.

6. Public disclosure of the highlighted information in question would adversely affect the economic interests of Tampa Electric and its customers.

7. Rule 25-22.006, Florida Administrative Code, provides for protection of this type of information when a utility allows OPC to inspect or take possession of such information in the course of discovery. Subsection (6)(c) of this rule states:

(c) 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), F.S. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

8. Tampa Electric requests a temporary protective order to allow OPC access to Tampa Electric's confidential information included in its Response while protecting the economic interests of Tampa Electric and its customers from the harm that would result from public disclosure of the above-referenced confidential information.

9. Tampa Electric maintains the information in question in a confidential form and has not disclosed it publicly.

WHEREFORE, Tampa Electric requests that the Commission issue a Temporary Protective Order allowing it to provide OPC with the confidential information described above while maintaining the confidential nature of that information.

DATED this 5th day of March, 2024

Respectfully submitted,



J. JEFFRY WAHLEN
MALCOLM N. MEANS
VIRGINIA PONDER
jwahlen@ausley.com
mmeans@ausley.com
vponder@ausley.com
Ausley McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY.

CERTIFICATE OF SERVICE

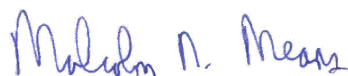
I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Temporary Protective Order, filed on behalf Tampa Electric Company, has been furnished by electronic mail on this 5th day of March 2024 to the following:

Major Thompson
Ryan Sandy
Office of General Counsel
Florida Public Service Commission
Room 390L – Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
rsandy@psc.state.fl.us
mthomps@psc.state.fl.us

Charles J. Rehwinkel
Mary A. Wessling
Patricia A. Christensen
Office of Public Counsel
111 West Madison Street – Room 812
Tallahassee, FL 32399-1400
rehwinkel.charles@leg.state.fl.us
wessling.mary@leg.state.fl.us
christensen.patty@leg.state.fl.us

Derrick Price Williamson
Steven W. Lee
c/o Spilman Law Firm
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com
slee@spilmanlaw.com

Stephanie U. Eaton
c/o Spilman Law Firm
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com



ATTORNEY

Exhibit A

OPC'S 3rd Request for Production of Documents	
38.	Line Contractor Storm Cost Support. Please provide, for the named storms, a copy of each of the contracts with the line contractors for the invoices billed in searchable format.
39.	Vegetation Line Contractor Storm Cost Support. Please provide, for the named storms, a copy of all the contracts with the vegetation line contractors for the invoices billed in searchable format.
44.	Logistics. Please provide by vendor the invoices for logistic costs over \$10,000 related to the named storms, in searchable format.