

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's
2004-2008 waterborne transportation contract
with TECo Transport and associated benchmark.

Docket No.: 031033-EI
Filed: May 5, 2004

**JOINT RESPONSE IN OPPOSITION TO TAMPA ELECTRIC COMPANY'S
MOTION FOR TEMPORARY PROTECTIVE ORDER FOR PORTIONS OF THE
DEPOSITION TRANSCRIPT OF MICHAEL J. MAJOROS, JR.**

The Citizens of the State of Florida (Public Counsel) and the Florida Industrial Power Users Group (FIPUG), pursuant to rules 25-22.006 and 28-106.204, Florida Administrative Code, respond in opposition to Tampa Electric Company's (TECo) Motion for Temporary Protective Order filed April 23, 2004. Public Counsel and FIPUG request that the Commission deny TECo's motion to shield from public review the information described below. As grounds therefore, Public Counsel and FIPUG state:

1. On April 9, 2004, Public Counsel/FIPUG witness Michael J. Majoros, Jr. was deposed. On April 23, 2004, TECo furnished Public Counsel with a copy of Mr. Majoros' deposition transcript in which it highlighted the information it claims is confidential. The same day, TECo filed a Motion for Temporary Protective Order seeking confidential treatment for portions of the transcript pursuant to Rule 25-22.006(6)(c), Florida Administrative Code. TECo's motion claims that the transcript and exhibits contain confidential proprietary business information which should not be disclosed.

2. Most of the deposition information for which TECo seeks confidential treatment appears in the testimony and exhibits of Public Counsel/FIPUG witnesses Majoros. Public Counsel and FIPUG have disputed TECo's claims of confidentiality for this information in two pleadings previously filed with the Commission: Joint Response in Opposition to TECo's Request for Confidential Classification of Portions of the Testimony and Exhibits of Intervenor Witnesses filed April 26, 2004, and Joint Response in Opposition to TECo's Motion for

Temporary Protective Order filed April 6, 2004. For the reasons set forth in those pleadings, which are incorporated herein by reference, Public Counsel and FIPUG request that the Commission deny TECo's request for a protective order as to the following information:

- Page 12, line 13;
- Page 13, lines 1 and 10 (the second figure);
- Page 54, lines 4, 7, 21 (the third and fourth figures) and 24;
- Page 55, lines 4 and 23;
- Page 56, line 2;
- Page 63, line 6;
- Page 67, line 22;
- Page 79, lines 9, 11 and 23;
- Late Filed Deposition Exhibit No. ___(MJM-1), Page 1 of 5, under the heading "Source by Row," line 6, the second figure (the Snavelly King rate);
- Late Filed Deposition Exhibit No. ___(MJM-1), Page 2 of 5, all nonconfidential titles, column headings and text;
- Late Filed Deposition Exhibit No. ___(MJM-1), Page 3 of 5, all of the information below the last column on the right, as well as all nonconfidential titles, column headings and text;
- Late Filed Deposition Exhibit No. ___(MJM-1), Page 4 of 5, all nonconfidential titles, column headings and text; and
- Late Filed Deposition Exhibit No. ___(MJM-1), Page 5 of 5, all of the information below the last column on the right, as well as all nonconfidential titles, column headings and text;

3. In addition, the information appearing at page 86, lines 6-8, should not be granted confidentiality: the same information appears unredacted elsewhere in the deposition transcript.

WHEREFORE, Public Counsel and FIPUG request that the deny TECo's Motion for Temporary Protective Order as described above.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Response in Opposition to Tampa Electric Company's Motion for Temporary Protective Order for Portions of the Deposition Transcript of Michael J. Majoros, Jr. has been furnished by (*) e-mail and U.S. Mail this 5th day of May 2004 to the following:

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