

# AUSLEY & McMULLEN

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COMMISSION  
CLERK

January 27, 2009

HAND DELIVERED

Ms. Anna R. Williams  
Staff Counsel  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

090001-EI

Re: Docket No. 080001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

April 25-2008, Request for confidential classification concerning a portion of the staff audit report and working papers prepared during the "Tampa Electric Company Fuel Adjustment Clause Audit for the Year ended December 31, 2007," Audit Control No. 08-003-2-2, Documents Numbered 02651-08, 02652-08 and 02666-08

Dear Ms. Williams:

I am writing in response to your letter of January 13, 2009, a copy of which is attached for your reference.

With respect to Issue 1 in your letter, Tampa Electric has gone back and reviewed the documents that were the subject of the confidentiality request Tampa Electric filed on April 25, 2008. The company has determined a number of the documents in question no longer need confidential protection. Accordingly, the company is this date filing an amended request for confidential classification which requests confidential treatment of only those documents the company still needs to have protected from public disclosure. Yellow highlighted copies of the confidential documents are being separately filed with the Commission Clerk's office and two copies of the redacted public version of the documents in question accompany the amended request for confidential treatment.

With respect to Issue 2 set forth in your January 13 letter, this is to advise that Tampa Electric no longer requires confidential treatment of the work papers pertaining to the contract between Tampa Electric and TECO Transport. Accordingly, the company hereby withdraws its request for confidential treatment of those documents.

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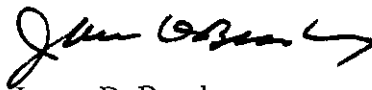
DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Thank you for your assistance in connection with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Beasley", with a stylized flourish at the end.

James D. Beasley

JDB/pp  
Enclosure

cc: Office of Commission Clerk  
Docket No. 080001-EI/090001-EI (Parties)

COMMISSIONERS:  
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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL  
MARY ANNE HELTON  
ACTING GENERAL COUNSEL  
(850) 413-6199

## Public Service Commission

January 13, 2009

James D. Beasley  
Ausley & McMullen  
227 S. Calhoun St.  
Tallahassee, FL 32301

**Re: Docket 080001-EI - Fuel and purchased power cost recovery clause with generating performance incentive factor.**

**April 25-2008, Request for confidential classification concerning a portion of the staff audit report and working papers prepared during the "Tampa Electric Company Fuel Adjustment Clause Audit for the Year ended December 31, 2007," Audit Control No. 08-003-2-2, Documents Numbered 02651-08, 02652-08 and 02666-08**

Dear Mr. Beasley:

We have read TECO's April 25, 2008 request for confidential of confidential classification for certain portions of the staff audit report and working papers in response to staff's "Tampa Electric Company Fuel Adjustment Clause Audit for the Year ended December 31, 2007" and find the following 2 perceived issues:

Issue 1: Affecting all pages of the request

Rule 25-22.006(4), Florida Administrative Code, requires that along with its request for confidential classification the utility must file a confidential copy of the information with the sensitive portions highlighted and 2 or more public copies of the material with the sensitive information redacted. Highlighted and redacted copies were not filed with TECO's request. If highlighted and redacted copies of the sensitive information are not filed, staff cannot specifically identify exactly which information is considered sensitive, and TECO's request would be denied.

Issue 2: Affecting WP 10-6/1, 41 pages, Contract between Tampa Electric and TECO Transport

Section 366.093(3), Florida Statutes, provides that the Commission may only grant a confidential classification if the material is held as private and release of the sensitive material would be harmful. It appears that release of the information contained within staff's audit working paper 10-6/1, 41 pages, may not cause the contractual or competitive harm TECO suggests.

James D. Beasley

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January 13, 2009

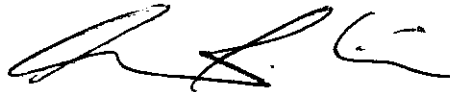
The audit period is calendar year 2007. A fuel transportation contract between Tampa Electric and TECO Transport contract for the period 2003 to 2008 is already public (See Commission Document No. 02875-04, part 2 of 2). Further, the companies have disclosed they have contracted for 2009 fuel transportation and have provided confidential copies of those contracts (Confidential Commission Document No. 10112-08). Please provide additional, document-specific explanation as to why the 2007 contractual material found at WP 10-6/1, 41 pages, should be considered confidential.

Response to the Perceived Deficiency

Within 14 days from the date of this letter, as deemed necessary, the utility may modify its pleading, justification, redacted or highlighted copies within its request; otherwise, a recommendation will be presented to the Prehearing Officer based upon the existing record.

If you have any questions concerning this matter, please contact me at (850) 413-6076 or email: [ANWILLIA@PSC.STATE.FL.US](mailto:ANWILLIA@PSC.STATE.FL.US).

Sincerely,



Anna R. Williams  
Staff Counsel

ARW

cc: Office of Commission Clerk  
Docket No. 080001-EI/090001-EI (Parties)