

# AUSLEY & McMULLEN

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May 20, 2013

HAND DELIVERED

REDACTED

Ms. Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

claim of confidentiality  
 notice of intent  
 request for confidentiality  
 filed by OPC

For DN 02764-13, which  
is in locked storage. You must be  
authorized to view this DN.-CLK

RECEIVED-FPSC  
13 MAY 20 PM 3:05  
COMMISSION  
CLERK

Re: Petition for Rate Increase by Tampa Electric Company  
FPSC Docket No. 130040-EI

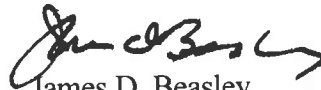
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order pertaining to answers to Office of Public Counsel's Fourth Request for Production of Documents Nos. 28, 54, 55, 56, 57 and 60.

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,

  
James D. Beasley

JDB/pp  
Enclosure

COM \_\_\_\_\_  
AFD \_\_\_\_\_  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL \_\_\_\_\_  
IDM \_\_\_\_\_  
TEL \_\_\_\_\_  
CLK \_\_\_\_\_

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

DOCUMENT NUMBER-DATE

02763 MAY 20 13

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase )  
by Tampa Electric Company. )  
\_\_\_\_\_ )

DOCKET NO. 130040-EI

FILED: May 20, 2013

**TAMPA ELECTRIC COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
AND 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 request 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."

**Description of Document(s)**

Bates stamp pages 375-418; 805-814; 816-902; 954-1228; 555-803 and 904-908 in response to Office of Public Counsel's Fourth Request for Production of Documents filed on a confidential basis in the above matter. 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 propriety 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 "[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."

DOCUMENT NUMBER-DATE

02763 MAY 20 13

FPSC-COMMISSION CLERK

Subsection 366.093(3)(d), Florida Statutes. 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), Florida Statutes. The Confidential Information that is the subject of this request and motion falls within the 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 Document(s).

3. Attached hereto as Exhibit "B" are two public versions of the Document(s) with the Confidential Information redacted, unless previously filed as indicated.

4. The Confidential Information contained in the Document(s) 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)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

**Requested Duration of Confidential Classification**


6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the company is in need of confidential classification of the Confidential Information beyond the 18

month period set forth in the Commission rule, 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 a minimum period of 18 months, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion. 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 20<sup>th</sup> day of May, 2013.

Respectfully submitted,

  
\_\_\_\_\_  
JAMES D. BEASLEY  
J. JEFFRY WAHLEN  
KENNETH R. HART  
ASHLEY M. DANIELS  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, Florida 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

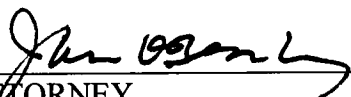
I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification and Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been served by hand delivery (\*) or U. S. Mail on this 20<sup>th</sup> day of May, 2013 to the following:

Martha Barrera\*  
Martha Brown  
Suzanne Brownless  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[mbarrera@psc.state.fl.us](mailto:mbarrera@psc.state.fl.us)  
[mbrown@psc.state.fl.us](mailto:mbrown@psc.state.fl.us)

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\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL  
TREATMENT OF HIGHLIGHTED PORTIONS  
OF TAMPA ELECTRIC'S RESPONSES TO OPC'S FOURTH  
SET OF PRODUCTION OF DOCUMENTS (FILED MAY 20, 2013)**

<u>POD Request No.</u>	<u>Bates Page Nos.</u>	<u>Detailed Description</u>	<u>Rationale</u>
28	375-418	All Information on Listed Pages	(1)
55	805-814		
56	816-902		
60	954-1228		
54	555-803	All Information on Listed Pages	(2)
57	904-908	All Information on Listed Pages	(3)

- 
- (1) The information contained on the listed Bates stamped pages contains the proprietary work product of Mercer. This information is in the nature of a trade secret owned by Mercer. It is also in the nature of information relating to competitive interests, the disclosure of which would impair Mercer's competitive business interests by diminishing the demand for Mercer's proprietary work product. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), Florida Statutes.
  - (2) The information contained on the listed Bates stamped pages contains private and proprietary work product consisting of executive and Board compensation. This information contains data purchased under contract for executive and Board member compensation benchmarking. It is also in the nature of information relating to competitive interests, the disclosure of which would impair Steven Hall's competitive business interests by diminishing the demand for Steven Hall's proprietary work product. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), Florida Statutes.
  - (3) The information contained on the listed Bates stamped pages is confidential, containing data purchased under contract for employee compensation benchmarking. Disclosure of this information could adversely impact Tampa Electric's ability to retain existing team members or hire new team members. The disclosure of this information would therefore, be harmful to the company's competitive interests and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.

**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) would be entirely redacted and, therefore, are not being supplied.

**REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION**

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 minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefore is set forth below:

n/a