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July 15, 2013

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COMMISSION
CLERK

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

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

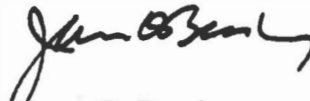
Dear Ms. Cole:

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 regarding answers to the Florida Public Service Commission Staff's Ninth Set of Interrogatories Nos. 128 and 132.

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

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

COM	_____
AFD	1
APA	1
<u>ECC</u>	12
ENG	_____
GCL	1
IDM	_____
TBL	_____
CLK	_____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 130040-EI

FILED: July 15, 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 2 and 10 in response to the Florida Public Service Commission Staff's Ninth Set of Interrogatories 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."

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 15th day of July, 2013.

Respectfully submitted,



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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 email, hand delivery (*) or U. S. Mail on this 15th day of June, 2013 to the following:

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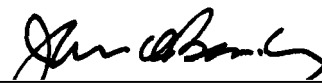
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ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL
TREATMENT OF HIGHLIGHTED PORTIONS
OF TAMPA ELECTRIC'S RESPONSES TO STAFF'S NINTH
SET OF INTERROGATORIES (FILED JULY 15, 2013)**

<u>Interrog. No.</u>	<u>Bates Page No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
128	2	The yellow highlighted information	(1)
132	10	The yellow highlighted information	(1), (2)

-
- (1) The information is competitive contractual information. The information discloses in detail, Tampa Electric's contracted fuel prices, broken down by fuel commodity and transportation costs. Commodity rates have been recognized by the Commission on numerous occasions to constitute proprietary confidential business information the disclosure of which 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 party with which it contracts. This is the specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law. Likewise, the fuel transportation rates paid under the company's existing contracts are competitively sensitive, and have been recognized as proprietary confidential business information on numerous occasions. Disclosing this fuel commodity and transportation cost information would harm Tampa Electric's position in determining rates for future contracts since the providers' bid responses might be influenced if they had knowledge of the contract rates, and as such, this competitively sensitive contractual information is entitled to confidential protection pursuant to Section 366.093(3)(d) and (e), Florida Statutes.
- (2) The information is competitive contractual information. The highlighted information discloses Tampa Electric's actual fuel contract terms, expected monthly deliveries and coal quality specifications. Public disclosure of this information would indicate to other potential fuel suppliers the price Tampa Electric is paying for a particular type of coal in the market. This would give potential sellers of additional coal needed by Tampa Electric an advantage over Tampa Electric in negotiating the price for coal sold to Tampa Electric. It would harm Tampa Electric's position in negotiating the best rates for future contracts, to the detriment of its customers. In addition, this could only drive up the cost of coal to Tampa Electric and, thus, adversely affect the company's competitive interests. As such, the information in question is entitled to confidential treatment under Section 366.093(d) ad (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