

AUSLEY McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

April 3, 2017

HAND DELIVERED

Ms. Carlotta S. Stauffer
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Tampa Electric Company's 2017 Ten-Year Site Plan

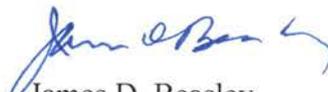
Dear Ms. Stauffer

Enclosed for filing in the above-styled matter is the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protection Order regarding a single page designated "Figure 1-11" which is a part of Tampa Electric's 2017 Ten-Year Site Plan.

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

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2017 APR -3 PM 2:22
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Tampa Electric Company's)
2017 Ten-Year Site Plan.)
_____)

UNDOCKETED

FILED: April 3, 2017

**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 the Document(s)

The Document(s) consist of a single page designated "Figure 1-11" which is a part of Tampa Electric's 2017 Ten-Year Site Plan, a copy of which is being filed with the Office of Commission Clerk under a separate cover letter designating the Document(s) confidential. 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. While information similar to that contained in the Document(s) has been filed in the past on a non-confidential basis, Tampa Electric asserts that the Confidential Information contained in the Document(s) is in need of confidential protection in the current and all future Ten-Year Site Plan filings for the reasons set forth in Exhibit "A" to this filing. Accordingly, Tampa Electric is treating the Confidential Information as confidential and has not publicly disclosed it.

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.

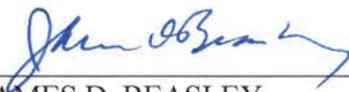
Requested Duration of Confidential Classification

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 3rd day of April, 2017.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
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 on this 3rd day of April, 2017 to the following:

Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF
HIGHLIGHTED PORTIONS OF TAMPA ELECTRIC
COMPANY'S 2017 TEN-YEAR SITE PLAN FILED APRIL 3, 2017**

<u>Page</u>	<u>Description</u>	<u>Rationale</u>
1 of 1	All information contained on the page	(1)

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- (1) Pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Tampa Electric Company ("Tampa Electric" or "the Company") requests extended confidential classification of *Figure 1-11: Tampa Electric Service Area Transmission System*, ("Figure 1-11") which appears on page 7 of Tampa Electric's 2017 Ten-Year Site Plan.

As required by F.A.C. 25-22.006(4)(d), Tampa Electric makes the following affirmative statement that the material for which confidential classification is sought is intended to be and is treated by the utility or other person as private and has not been disclosed.

Tampa Electric Co. treats Figure 1-11 as private by classifying it as critical energy/electric infrastructure information ("CEII") and by requiring its employees and agents to protect it from improper disclosure by following procedures set forth in *TECO Energy Policy 1.16, Critical Energy Infrastructure Information Disclosure Policy*.

As required by F.A.C. 25-22.006(4)(c), Tampa Electric provides the following statement explaining how the ratepayers or the person's or utilities business operations would be harmed by disclosure.

F.S. 366.093 defines "proprietary confidential business information" to include information which, if disclosed, "would cause harm to the ratepayers or the person's or company's business operations."

Figure 1-11 shows the operating voltages and precise locations and routing of 230 kV bulk electric system transmission lines and transmission substations in Tampa Electric Company's service territory and related interconnections to the transmission systems of adjacent utilities. A person could readily infer from Figure 1-11 the locations where attacks on the bulk electric system within Tampa Electric Co.'s service territory would likely produce the greatest damage or the most widespread blackouts. The detailed location and routing information on Figure 1-11 would also enable attackers to coordinate simultaneous attacks on multiple locations,

which would further amplify the impacts of the attacks. Such attack would clearly "cause harm to the ratepayers [and] the...company's business operations."

As required by F.A.C. 25-22.006(9)(a), Tampa Electric requests that confidentiality of Figure 1-11 be extended for a period exceeding 18 months. Changes to transmission facilities within Tampa Electric's service territory tend to occur slowly over a period of many years. Thus, the usefulness of the information contained in Figure 1-11 to persons planning attacks on the Florida's bulk electric system will persist for many years. Therefore, Tampa Electric requests the Commission to maintain confidentiality of Figure 1-11 permanently. If the Commission is not able to extend permanent confidentiality, then Tampa Electric requests that the Commission maintain confidentiality for twenty years.

Summary

Tampa Electric is concerned that information provided in *Figure 1-11: Tampa Electric Service Area Transmission System*, ("Figure 1-11"), which appears on page 7 of its 2017 Ten-Year Site Plan, could be useful to a person planning or executing attacks on critical bulk electric system infrastructure in the Tampa Electric service territory. Therefore, under F.A.C. 25-22.006, Tampa Electric is requesting the Florida Public Service Commission ("Commission") to protect this information from public disclosure to prevent the harm to ratepayers and to the Company's business operations that would result from such attacks.

Similar information is classified as "Critical Electric Infrastructure Information" or "CEII" and protected from public disclosure when filed at the Federal Energy Regulatory Commission (FERC). For example, the transmission system diagrams the Company files annually with FERC form 715 are routinely classified as CEII and are protected from public disclosure. The system diagrams filed with form 715 are less sensitive from a security standpoint than Figure 1-11 because they are schematic in nature and do not include geographical information. Figure 1-11 is more sensitive because it combines information from the system diagrams with geographical data and presents that information in map format, which would be very useful for planning and executing attacks on the bulk electric system. Therefore, Tampa Electric urges the Commission to follow FERC's example by granting its request for extended confidential treatment of Figure 1-11.

History of CEII

The concept of "Critical Energy Infrastructure Information" or "CEII" emerged after the attacks on the World Trade Center. The attacks occurred on September 11, 2001 and are widely referred to as "nine eleven" or "911." FERC responded to the new threat environment on October 11, 2001 by issuing a statement under docket no. PL02-1-000 that it would "reconsider its treatment of certain documents that have previously been made available to the public through the Commission's Internet site, the Records and Information Management System (RIMS), and the Public Reference Room" and that it would "no longer make available to the public through these means documents, such as

oversized maps, that detail the specifications of energy facilities licensed or certificated under Part I of the Federal Power Act, 16 U.S.C. §791 a, et seq., and Section 7(c) of the Natural Gas Act, 15 U.S.C. §717 f(c)..." FERC directed parties that were interested in obtaining such information to make their requests under procedures set forth in the Freedom of Information Act (FOIA).

FERC's policies and rules concerning CEII were developed and finely tuned in a series of dockets and orders that were issued between 2001 and 2007¹. These orders resulted in rules that were codified in 18 CFR §388.101 through 113. On December 4, 2015, the President signed into law the FAST Act². Section 61003 of the FAST Act added a new section 215A to the Federal Power Act (FPA), which created a new and possibly broader class of CEII, namely *Critical Electric* Infrastructure Information. On November 17, 2016 FERC issued order 833 amending 18 CFR sections 375.309, 375.313, 388.112 and 388.113 to comply with the FAST Act. Under the amended rules, FERC expanded its definition of *Critical Energy* Infrastructure Information to include *Critical Electric* Infrastructure Information and adopted a common set of procedures that apply to *Critical Electric* Infrastructure Information and to *Critical Energy* Infrastructure Information. For most purposes, it is not necessary to distinguish between *Critical Electric* and *Critical Energy* Infrastructure Information and the term "CEII" may refer to either or both.

FERC CEII Definitions

FERC's basic definition of CEII is:

CEII is specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure (physical or virtual) that:

1. Relates details about the production, generation, transmission, or distribution of energy;
2. Could be useful to a person planning an attack on critical infrastructure;
3. Is exempt from mandatory disclosure under the Freedom of Information Act; and
4. Gives strategic information beyond the location of the critical infrastructure.

[<https://www.ferc.gov/legal/ceii-foia/ceii.asp>, accessed March 28, 2017]

FERC CEII confidential treatment for transmission system maps and diagrams

FERC requires Tampa Electric and other utilities to file annual transmission planning and evaluation reports on Form No. 715. These annual reports must include "transmission system maps and diagrams used ... for transmission planning..." FERC "considers the information collected in FERC-715 as *Critical Energy* Infrastructure Information (CEII) and will treat it as such."

¹ PL02-1-000, October 11, 2001; Order 630, February 21, 2003; Order 630-A, July 23, 2003; Order 643, July 23, 2003; Order 649, August 3, 2004; Order 683, September 21, 2006; Order 683A, April 9, 2007, and Order 702, October 30, 2007.

² Fixing America's Surface Transportation Act, Pub. L. No. 114-94, § 61,003, 129 Stat. 1312, 1773-1779 (2015) (to be codified at 16 U.S.C. 824 et seq.) (FAST Act).

[<https://www.ferc.gov/docs-filing/forms/form-715/overview.asp>, accessed March 28, 2017]

FERC Protections for CEII

FERC marks CEII documents as "Contains Critical Energy/Electric Infrastructure Information - Do Not Release." CEII documents are "Not available in Public Reference Room; (it is an) indexed item in eLibrary, but (there is) no public access to image."

[<https://www.ferc.gov/legal/ceii-foia/ceii/classes.asp>, accessed March 28, 2017]

Third party requests for CEII are subject to review by FERC's CEII Coordinator. After the request is received, the CEII Coordinator will determine if the information is CEII, and, if it is, whether to release the CEII to the requester. The CEII Coordinator will balance the requester's need for the information against the sensitivity of the information. If the requester is determined to be eligible to receive the information requested, the CEII Coordinator will determine what conditions, if any, to place on release of the information. [C.F.R. 388.113(4)(iii)]. In most cases, requestors must also file an executed non-disclosure agreement. [C.F.R. 388.113(4)(i)].

PUBLIC VERSION(S) OF THE DOCUMENT(S)

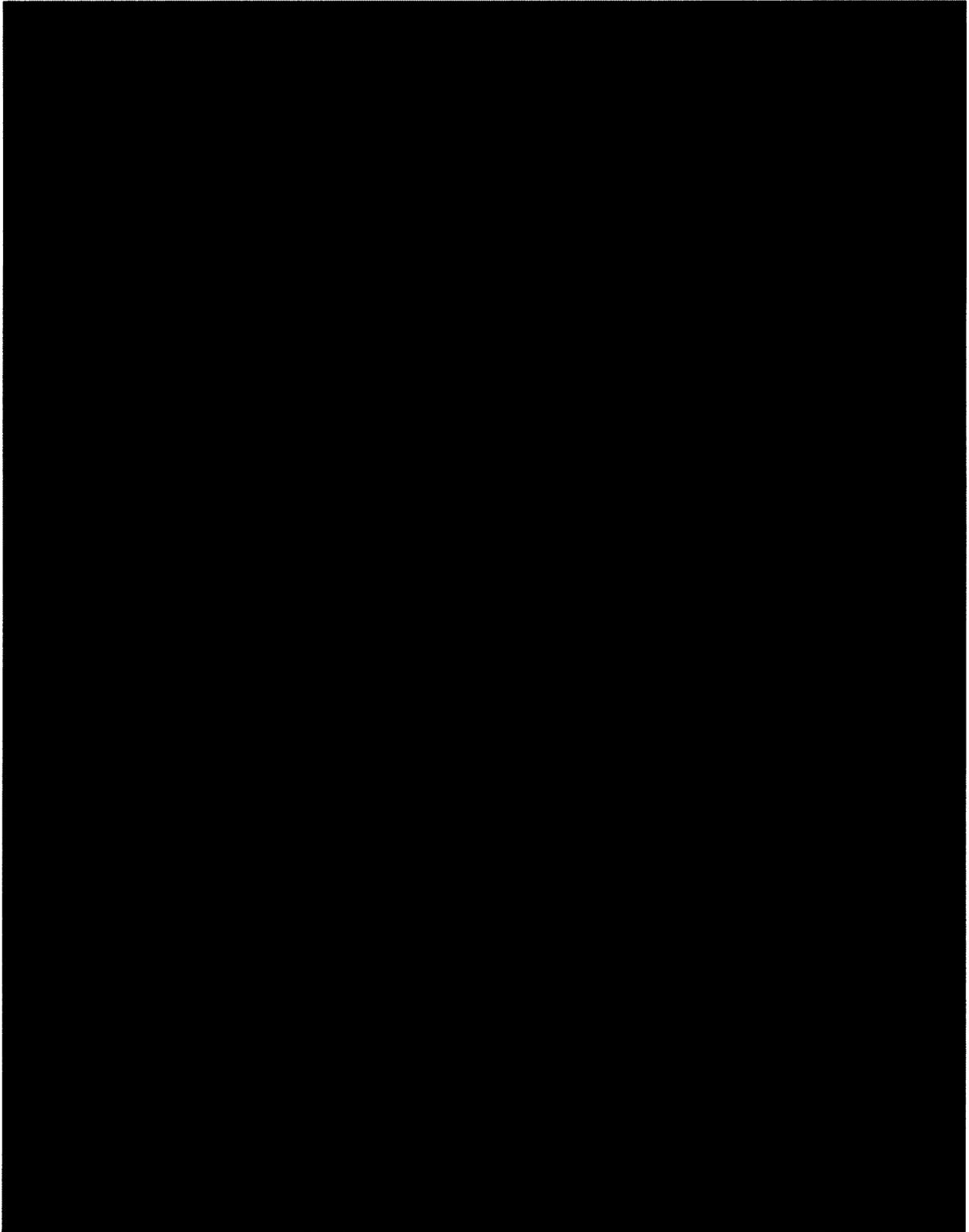
Attached hereto (unless previously filed as may be noted below) are two public versions of the Document(s) with the Confidential Information redacted.

Public Version(s) of the Document(s) attached X

Public Version(s) of the Document(s) previously filed on _____

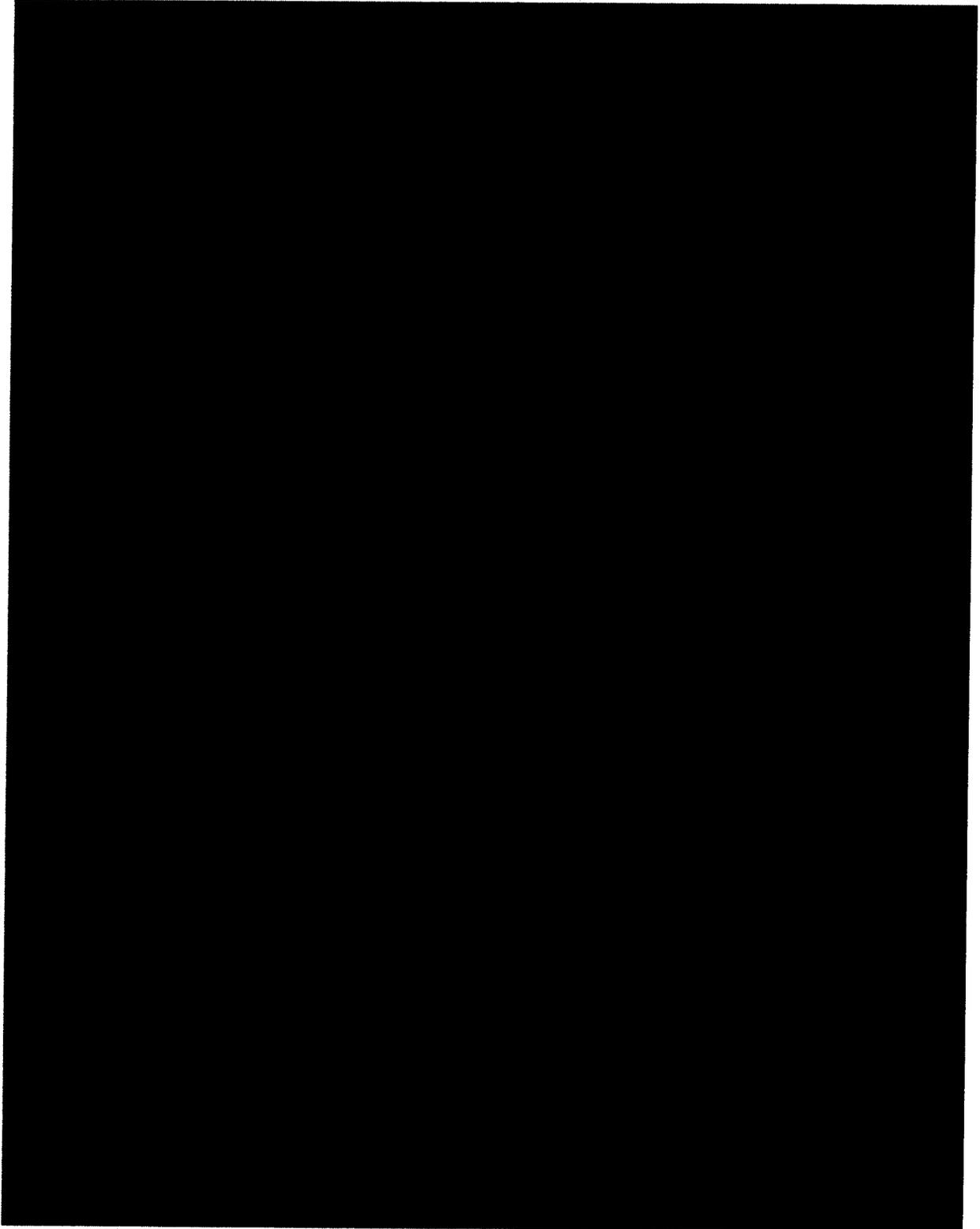
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Figure I-II: Tampa Electric Service Area Transmission System



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Figure I-II: Tampa Electric Service Area Transmission System



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 therefor is set forth below:

As stated in Exhibit "A", Tampa Electric requests that the Document(s) be protected from public disclosure on a permanent basis. Changes to transmission facilities within Tampa Electric's service territory tend to occur slowly over a period of many years. Thus, the usefulness of the information contained in Figure 1-11 to persons planning attacks on Florida's bulk electric system will persist for many years. Therefore, Tampa Electric requests the Commission to maintain confidentiality of Figure 1-11 permanently or at least for a minimum of twenty years, after which the Company will likely seek extended confidential treatment.