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

October 30, 2017 HAND DELIVERED

Ms. Carlotta Stauffer, Director Office of Commission Clerk Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

> Fuel and Purchased Power Cost Recovery Clause Re: and Generating Performance Incentive Factor FPSC Docket No. 20170001-EI

Dear Ms. Stauffer:

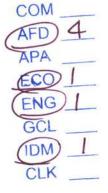
Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Specified Confidential Treatment and Motion for Temporary Protective Order relating to portions of Forms 423-2, 423-2(a) and 423-2(b) for the months of June 2017, July 2017, and August 2017:

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,

hen Obre ames D. Beasley



JDB/ne Enclosures

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

FPSC - COMMISSION CLERK

DOCUMENT NO. 09300-2017

FILED 10/30/2017

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

)

In re: Fuel and Purchased Power Cost Recovery Clause and Generating Performance Incentive Factor.

DOCKET NO. 170001-EI

FILED: October 30, 2017

TAMPA ELECTRIC COMPANY'S REQUEST FOR SPECIFIED CONFIDENTIAL TREATMENT AND MOTION FOR TEMPORARY PROTECTIVE ORDER

Pursuant to §366.093, Fla. Stat., Tampa Electric Company ("Tampa Electric" or "the company") submits the following Request for Specified Confidential Treatment and Motion for Temporary Protective Order relating to the company's Forms 423-2, 423-2(a) and 423-2(b) for the months of June 2017, July 2017, and August 2017.

1. Attached hereto is a detailed Justification for the requested confidential treatment of the highlighted portions of Tampa Electric's 423 Forms for each of the months of June 2017, July 2017, and August 2017.

2. Tampa Electric requests that the information for which Tampa Electric seeks confidential classification not be declassified until 24 months after the issuance of the Commission Order disposing of this quarterly request. This time period is necessary to allow Tampa Electric to negotiate future contracts without its competitors (and other Customers) having access to information which would adversely affect the ability of Tampa Electric to negotiate future contracts. The period of time requested will ultimately protect Tampa Electric and its Customers.

 The material for which classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed. WHEREFORE, Tampa Electric submits this quarterly Request for Confidential Treatment and Motion for Temporary Protective Order relating to the information contained in the attached Justification.

DATED this 30th day of October, 2017.

Respectfully submitted,

1

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 copy of the foregoing Request for Specified Confidential Treatment and Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been furnished by hand delivery(*) or electronic mail on this 30th day of October, 2017 to the following:

Ms. Suzanne Brownless* Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 <u>sbrownle@psc.state.fl.us</u>

Ms. Patricia A. Christensen Associate Public Counsel Office of Public Counsel 111 West Madison Street – Room 812 Tallahassee, FL 32399-1400 christensen.patty@leg.state.fl.us

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Mr. Matthew R. Bernier Senior Counsel Duke Energy Florida, Inc. 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740 Matthew.bernier@duke-energy.com

Mr. Jon C Moyle, Jr. Moyle Law Firm 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com

Rhonda J. Alexander Regulatory, Forecasting & Pricing Manager Gulf Power Company One Energy Place Pensacola, FL 32520-0780 rjalexad@southernco.com Ms. Beth Keating Gunster, Yoakley & Stewart, P.A. 215 S. Monroe St., Suite 601 Tallahassee, FL 32301 <u>bkeating@gunster.com</u>

Mr. John T. Butler Maria Moncada Assistant General Counsel – Regulatory Florida Power & Light Company 700 Universe Boulevard (LAW/JB) Juno Beach, FL 33408-0420 john.butler@fpl.com maria.moncada@fpl.com

Mr. Kenneth Hoffman Vice President, Regulatory Relations Florida Power & Light Company 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1859 <u>ken.hoffman@fpl.com</u>

Mr. Mike Cassel Regulatory and Governmental Affairs Florida Public Utilities Company Florida Division of Chesapeake Utilities Corp. 1750 SW 14th Street, Suite 200 Fernandina Beach, FL 32034 mcassel@fpuc.com

Mr. Jeffrey A. Stone General Counsel Gulf Power Company One Energy Place Pensacola, FL 32520-0100 jastone@southernco.com Mr. Robert Scheffel Wright Mr. John T. LaVia, III Gardner, Bist, Wiener, Wadsworth, Bowden, Bush, Dee, LaVia & Wright, P.A. 1300 Thomaswood Drive Tallahassee, FL 32308 Schef@gbwlegal.com Jlavia@gbwlegal.com

Mr. Russell A. Badders Mr. Steven R. Griffin Beggs & Lane Post Office Box 12950 Pensacola, FL 32591 rab@beggslane.com srg@beggslane.com

Mr. James W. Brew Ms. Laura A. Wynn Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, D.C. 20007-5201 jbrew@smxblaw.com laura.wynn@smxblaw.com

Jun Bun L ATTORNEY

<u>Request for Specified Confidential Treatment</u> <u>Justification for June-August 2017</u>

Docket No. 170001-EI

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FORM 423-2		
Plant Name/Lines	Column	Justification
United Bulk Terminal	G	(11) Disclosure of the effective purchase price
Big Bend Station		"would impair the efforts of Tampa Electric to
1-4 June		contract for goods or services on favorable terms."
1-2 July		Section 366.093(3)(d), Fla Stat. Additionally,
1-2 August		prohibiting the purchase price would enable one to
Big Bend Station		ascertain the total transportation charges by
1-5 June		subtracting the effective price from the delivered
1-4 July		price at the transfer facility, shown in Column I. Any
1-4 August		competitor with knowledge of the total transportation
United Bulk Terminal		charges would be able to use that information in
Transfer Facility Polk Station		conjunction with the published delivered price at the
1 June		United Bulk Terminal Transfer Facility to determine
1 July		the segmented transportation costs, i.e., the separate
1 August		breakdown of transportation charges for river barge
Polk Station		transport and for deep water transportation across the
1 June		Gulf of Mexico from the transfer facility to Tampa.
1 July		It is this segmented transportation cost data which is
1 August		proprietary and confidential. The disclosure of the
		segmented transportation costs would have a direct
		impact on Tampa Electric's future fuel and
		transportation contracts by informing potential
		bidders of current prices paid for services provided.
		That harm, which would flow to Tampa Electric and
		its Customers from such disclosure, was the subject
		of Prepared Direct Testimony of Mr. John R. Rowe,
		Jr. on behalf of Tampa Electric from September 29,
		1986, in Docket No. 860001-EI-D ("Rowe
		Testimony").

In the Commission's Order No. 12645 issued in Docket No. 830001-EU on November 3, 1983 (In re: Investigation of Fuel Adjustment Clauses of Electric Utilities), the Commission prescribed the current 423 Form filings. In so doing, the Commission observed:

> Next, we must determine whether any portion of the monthly reports should be accorded confidential treatment. We agree that certain portions of the confidential information. However, many portions of the monthly reports will not. The proprietary information

<u>Request for Specified Confidential Treatment</u> <u>Justification for June-August 2017</u>

Docket No. 170001-EI

Page 2 of 10

FORM 423-2 Column Justification

Plant Name/Lines

for all types of fuel is transportation. Any breakout of transportation costs must be treated confidentially. In addition, F.O.B. mine prices for coal is proprietary in nature as is the price of fuel oil. Disclosure of separate transportation or F.O.B. mine prices would have a direct impact on a utility's future fuel and transportation contracts by informing potential bidders of current prices paid for services. Disclosure of fuel oil prices would have an indirect effect upon bidding suppliers. Suppliers would be reluctant to provide significant price concessions to an individual utility if prices were disclosed because other would seek similar purchasers concessions.

The vigorous competition discussed in Mr. Rowe's earlier testimony, as recognized by the Commission, justifies proprietary confidential treatment of the information in Column G.

Disclosure of this information "would impair the efforts of Tampa Electric to contract for goods and services on favorable terms." Section 366.093(3)(d), Fla. Stat. This information would inform other potential suppliers as to the price Tampa Electric is willing to pay for coal. This would give present and potential coal suppliers information which could be harmful to Tampa Electric's interests in negotiating coal supply agreements. This is much the same as paragraph (1) under Form 423-1(a) regarding No. 2 oil suppliers.

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FORM 423-2		
Plant Name/Lines	Column	Justification
United Bulk Terminal Big Bend Station 1-4 June 1-2 July 1-2 August	Н	(12) The disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. As was stated in (1), Columns G and H both need confidential protection
Big Bend Station 1-5 June 1-4 July 1-4 August		because disclosure of either column will enable competitors to determine the segmented transportation charges. Accordingly, the same reasons discussed in (1) likewise apply with regard
United Bulk Terminal Transfer Facility Polk Station		to Column H.
1 June 1 July 1 August		
Polk Station		
1 June 1 July		
1 August		

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United Bulk Terminal Big Bend StationG(13) This column discloses the value of shorthaul and loading charges on a \$/Ton basis, which is a negotiated price the disclosure of which would adversely impact Tampa Electric in future negotiations for this component of the overall price, which, in turn, would adversely impact Tampa Electric's customers.1-4 Juny 1-4 July 1-4 July 1-4 August 1 July 1 AugustH(14) If the original invoice price is made public, one can subtract the original invoice price is made public, one can subtract the original invoice price is made public, one can subtract the original invoice price is the United Bulk Terminal 1-2 July 1-2 AugustUnited Bulk Terminal 1-4 June 1-2 July 1-2 AugustH(14) If the original invoice price is made public, one can subtract the original invoice price from the publicly disclosed delivered price at the United Bulk Terminal Transfer Facility and thereby determine the segmented river transportation cost mount of the reforts of Tampa Electric to contract for appears in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station 1 Juny 1 August Polk Station 1 JuneH	FORM 423-2(a)		
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1 June			
	1 July		

1 July 1 August

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DI 4 N		RM 423-2(a)
Plant Name/Lines	Column	Justification
United Bulk Terminal	J	(15) This information, like that contained in
Big Bend Station		Column H, would enable a competitor to "back
1-4 June		into" the segmented transportation cost using the
1-2 July		publicly disclosed delivered price at the United
1-2 August		Bulk Terminal Transfer Facility. This would be
Big Bend Station		done by subtracting the base price per ton from the
1-5 June		delivered price at United Bulk Terminal, thereby
1-4 July		revealing the river barge rate. Such disclosure
1-4 August		"would impair the efforts of Tampa Electric to
United Bulk Terminal		contract for goods or services on favorable terms."
Transfer Facility Polk Station		Section 366.093(3)(d), Fla. Stat. Additional
1 June		justification appears in paragraph (1) of the
1 July		rationale for confidentiality of Column G of Form
1 August		423-2 (United Bulk Terminal Transfer Facility -
Polk Station		Big Bend Station). See also Rowe Testimony
1 June		Big Bena Stanon). See also ito ne resimony
1 July		
1 August		
United Bulk Terminal	L	(16) This information, if publicly disclosed, would
Big Bend Station		enable a competitor to back into the segmented
1-4 June		waterborne transportation costs using the already
1-2 July		publicly disclosed delivered price of coal at the
1-2 August		United Bulk Terminal Transfer Facility. Such
Big Bend Station		disclosure "would impair the efforts of Tampa
1-5 June		Electric to contract for goods or services on
1-4 July		favorable terms." Section 366.093(3)(d), Fla. Stat.
1-4 August		Additional justification appears in paragraph (1) of
United Bulk Terminal		the rationale for confidentiality of Column G of
Transfer Facility Polk Station		Form 423-2 (United Bulk Terminal Transfer
1 June		Facility - Big Bend Station). See also Rowe
1 July		Testimony
1 August		a (multiply and a second of CO 💌
Polk Station		
1 June		
1 July		
1 August		

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FORM 423-2(b)		
Plant Name/Lines	Column	Justification
United Bulk Terminal	G	(17) Disclosure of the effective purchase price in
Big Bend Station		Column G "would impair the efforts of Tampa
1-4 June		Electric to contract for goods or services on
1-2 July		favorable terms." Section 366.093(3)(d), Fla. Stat.
1-2 August		Such disclosure would enable a competitor to "back
Big Bend Station		into" the segmented transportation cost using the
1-5 June		publicly disclosed delivered price for coal at the
1-4 July		United Bulk Terminal Transfer Facility. This
1-4 August		would be done by subtracting the effective purchase
United Bulk Terminal		price per ton from the price per ton delivered at
Transfer Facility Polk Station		United Bulk Terminal, thereby revealing the river
1 June		barge rate. Additional justification appears in
1 July		paragraph (1) of the rationale for confidentiality of
1 August		Column G of Form 423-2 (United Bulk Terminal
Polk Station		Transfer Facility - Big Bend Station). See also
1 June		Rowe Testimony. Such disclosure would also
1 July		adversely affect Tampa Electric's ability to
1 August		negotiate future coal supply contracts.
United Bulk Terminal	Н	(18) This column discloses the value of additional
Big Bend Station		shorthaul and loading charges on a \$/Ton basis,
1-4 June		which is a negotiated price the disclosure of which
1-2 July		would adversely impact Tampa Electric in future
1-2 August		negotiations for this component of the overall
Big Bend Station		price, which, in turn, would adversely impact
1-5 June		Tampa Electric's customers.
1-4 July		
1-4 August		
United Bulk Terminal		
Transfer Facility Polk Station		
1 June		
1 July		
1 August		
Polk Station		
1 June		
1 July		
1 August		

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FORM 423-2(b)		
Plant Name/Lines	Column	Justification
United Bulk Terminal	I	(19) Disclosure of the rail rate per ton would
Big Bend Station		adversely affect the ability of Tampa Electric to
1-4 June		negotiate favorable rail rates. Disclosure of the rail
1-2 July		rates paid would effectively eliminate any
1-2 August		negotiating leverage and could lead to higher rail
Big Bend Station		rates. This would work to the ultimate detriment of
1-5 June		Tampa Electric and its customers. Accordingly,
1-4 July		disclosure of this information "would impair the
1-4 August		efforts of Tampa Electric to contract for goods or
United Bulk Terminal		services on favorable terms." Section
Transfer Facility Polk Station		366.093(3)(d), Fla. Stat.
1 June		
1 July		
1 August		
Polk Station		
1 June		
1 July		
1 August		
United Bulk Terminal	J	(20) This column discloses the value of other rail
Big Bend Station		charges on a \$/Ton basis, which is a negotiated
1-4 June		price the disclosure of which would adversely
1-2 July		impact Tampa Electric in future negotiations for
1-2 August		this component of the overall price, which, in turn,
Big Bend Station		would adversely impact Tampa Electric's
1-5 June		customers.
1-4 July		
1-4 August		
United Bulk Terminal		
Transfer Facility Polk Station		
1 June		
1 July		
1 August		
Polk Station		
1 June		
1 July		
1 August		

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FORM 423-2(b)		
Plant Name/Lines	Column	Justification
United Bulk Terminal	K	(21) These columns contained information the
Big Bend Station		disclosure of which "would impair the efforts of
1-4 June		Tampa Electric to contract for goods or services on
1-2 July		favorable terms." Section 366.093(3)(d), Fla. Stat.
1-2 August		Each of these columns provides specific
Big Bend Station		information on segmented transportation costs
1-5 June		which are the primary objects of this request.
1-4 July		Additional justification appears in paragraph (1) of
1-4 August		the rationale for confidentiality for Column G on
United Bulk Terminal		423-2 (United Bulk Terminal Transfer Facility -
Transfer Facility Polk Station		Big Bend Station). See also Rowe Testimony
1 June		
1 July		
1 August		
Polk Station		
1 June		
1 July		
1 August		
United Bulk Terminal	L	(22) See item (21) above.
Big Bend Station		
1-4 June		
1-2 July		
1-2 August		
Big Bend Station		
1-5 June		
1-4 July		
1-4 August		
United Bulk Terminal		
Transfer Facility Polk Station		
1 June		
1 July		
1 August		
Polk Station		
1 June		
1 July		

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FORM 423-2(b)			
Plant Name/Lines	Column	Justification	
	м	(22) See item (21) share	
United Bulk Terminal	М	(23) See item (21) above.	
Big Bend Station			
1-4 June			
1-2 July			
1-2 August			
Big Bend Station 1-5 June			
1-4 July			
1-4 August			
United Bulk Terminal			
Transfer Facility Polk Station			
1 June			
1 July			
1 August			
Polk Station			
1 June			
1 July			
1 August			
United Bulk Terminal	N	(24) See item (21) above.	
Big Bend Station			
1-4 June			
1-2 July			
1-2 August			
Big Bend Station			
1-5 June			
1-4 July			
1-4 August			
United Bulk Terminal			
Transfer Facility Polk Station			
1 June			
1 July			
1 August			
Polk Station			
1 June			
1 July			
1 August			

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FORM 423-2(b)			
Plant Name/Lines	Column	Justification	
United Bulk Terminal	0	(25) See item (21) above.	
Big Bend Station			
1-4 June			
1-2 July			
1-2 August			
Big Bend Station			
1-5 June			
1-4 July			
1-4 August			
United Bulk Terminal			
Transfer Facility Polk Station			
1 June			
1 July			
1 August			
Polk Station			
1 June			
1 July			
1 August			
United Bulk Terminal	Р	(26) See item (21) above.	
Big Bend Station			
1-4 June			
1-2 July			
1-2 August			
Big Bend Station			
1-5 June			
1-4 July			
1-4 August			
United Bulk Terminal			
Transfer Facility Polk Station			
1 June			
1 July			
1 August			
Polk Station			
1 June			
1 July			
1 August			