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July 26, 2019

HAND DELIVERED

Mr. Adam J. Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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Re: Commission Review of Numeric Conservation Goals (Tampa Electric Company)
FPSC Docket No. 20190021-EG

Dear Mr. Teitzman:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order of Answer to Staff's Tenth Set of Interrogatories No. 99.

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: Service List (w/enc.)

COM ___
AFD ___
APA ___
ECO ___
ENG 6
GCL 1
IDM ___
CLK ___

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric) DOCKET NO. 20190021-EG
Conservation goals (Tampa Electric Company))
_____) FILED: July 26, 2019

**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)

Staff's 10th Set of Interrogatories (Nos. 99-103), No. 99. 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 26th day of July, 2019.

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 Notice of Service, filed on behalf of Tampa Electric Company, has been furnished by electronic mail on this 26th day of July, 2019 to the following:

<p>Margo DuVal Rachael Dziechciarz Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 mduval@psc.state.fl.us rdziehc@psc.state.fl.us</p> <p>J. R. Kelly Patricia A. Christensen Office of Public Counsel c/o The Florida Legislature 111 West Madison Street Tallahassee, FL 32399 kelly.jr@leg.state.fl.us christensen.patty@leg.state.fl.us</p> <p>Kelley F. Corbari Joan T. Matthews Allan J. Charles Florida Department of Agriculture & Consumer Services Office of General Counsel The Mayo Building 407 S. Calhoun Street, Suite 520 Tallahassee, FL 32399-0800 kelley.corbari@FreshFromFlorida.com joan.matthews@FreshFromFlorida.com allan.charles@FreshFromFlorida.com</p>	<p>Jon C. Moyle, Jr. Karen A. Putnal Ian E. Waldrick Moyle Law Firm 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com iwaldick@moylelaw.com</p> <p>Stephanie U. Eaton Counsel to Walmart Spilman Thomas & Battle, PLLC 110 Oakwood Drive, Suite 500 Winston-Salem, NC 27103 seaton@spilmanlaw.com</p> <p>Derrick Price Counsel to Walmart Spilman Thomas & Battle, PLLC 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA 17050 dprice@spilmanlaw.com dwilliamson@spilmanlaw.com</p> <p>George Cavros Counsel for Southern Alliance for Clean Energy 120 E. Oakland Park Blvd., Suite 105 Fort Lauderdale, FL 3334 george@cleanenergy.org</p>
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ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S RESPONSE TO STAFF'S
TENTH SET OF INTERROGATORIES, INTERROGATORY NO. 99**

<u>Bates Stamp Page No.</u>	<u>Interrogatory No.</u>	<u>Detailed Description</u>	<u>Rationale</u>
1	99	Yellow Highlighted Information for "Outside Services"	(1)
2	99	Yellow Highlighted Amount for "Total"	(2)

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- (1) The highlighted information contained in Tampa Electric's response to this Interrogatory concerning the cost of services provided by its consulting firm, Nexant, Inc., constitutes trade secrets as well as information relating to competitive interests, the disclosure of which would impair the competitive business of Nexant, the provider of the information. The cost information in question discloses the price of Nexant's consulting services which it negotiated with the participating FEECA utilities, including Tampa Electric. Disclosure of this information would make public Nexant's negotiated consulting fee with the FEECA utilities which could harm Nexant in its future negotiations with other potential clients to provide similar consulting services. As such, the information in question constitutes trade secrets as well as information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Section 366.093(3)(a) and (e), Florida Statutes. As such, the information in question is entitled to confidential treatment and exemption from Section 199.07(1), Florida Statutes, by virtue of Section 366.093, Florida Statutes.
- (2) The "Total" amount requires confidential protection to insure the confidential treatment of the "Outside Services" amount referred to in Rationale (1) because the "Total" amount could be used in conjunction with the other non-confidential amounts shown to "back into" the "Outside Services" amount.

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) will be submitted under a separate filing X

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

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:

n/a