

# AUSLEY & McMULLEN

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April 29, 2020

**VIA: ELECTRONIC FILING**

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

Re: Tampa Electric Company's Petition for Approval of Storm Protection Plan  
Dkt. 20200067-EI

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company's Motion for a Temporary Protective Order.

Thank you for your assistance in connection with this matter.

Sincerely,



Malcolm N. Means

MNM/bmp  
Attachment

cc: All Parties of Record  
TECO Regulatory Department

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric Company )  
For Approval of Storm Protection Plan )  
\_\_\_\_\_ )

DOCKET NO. 2020067-EI

FILED: April 29, 2020

**TAMPA ELECTRIC COMPANY'S  
MOTION FOR A TEMPORARY PROTECTIVE ORDER**

Tampa Electric Company (“Tampa Electric” or “the company”) pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, hereby moves the Commission for entry of a temporary protective order exempting from Section 119.07(1), Florida Statutes; certain information requested by the Office of Public Counsel (“OPC”) through discovery, and for the protection of that information against public disclosure pending OPC’s review of it. In support of its Motion the company says:

1. On April 8, 2020 OPC served “Citizens’ Second Request for Production of Documents to Tampa Electric Company (Nos. 15-30).”

2. Request No. 24 seeks the following:

24. Please provide the documents containing each cost/benefit analyses and all other information presented to your management supporting the decisions to implement the SPP and major components of the SPP.

3. A document responsive to this request contains pricing data. This information is confidential proprietary business information entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes, in that it contains:

(d) information concerning bids or other 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.

(e) information relating to competitive interests, the disclosure of which would impair the competitive business of the

provider of the information. (Section 366.093(3)(d) and (e), Florida Statutes)

4. Public disclosure of the information in question would adversely affect the economic interests of Tampa Electric and its customers.

5. Rule 25-22.006, Florida Administrative Code, provides for protection of this type of information when a utility allows Public Counsel to inspect or take possession of such information in the course of discovery. Subsection (6)(c) of this rule states:

(c) When a utility or other person agrees to allow Public Counsel to inspect or take possession of utility information for the purpose of determining what information is to be used in a proceeding before the Commission, the utility may request a temporary protective order exempting the information from Section 119.07(1), F.S. If the information is to be used in a proceeding before the Commission, then the utility must file a specific request for a protective order under paragraph (a) above. If the information is not to be used in a proceeding before the Commission, then Public Counsel shall return the information to the utility in accordance with the record retention requirements of the Department of State.

6. Tampa Electric requests a temporary protective order in order to allow OPC access to the confidential portions of the document responsive to Request 24, while simultaneously protecting the economic interests of Tampa Electric and its customers from the harm that would result from public disclosure of the above-referenced confidential information.

7. Tampa Electric is prepared to furnish OPC access to the requested information. The company maintains the information in question is in a confidential form and has not disclosed it publicly.

WHEREFORE, Tampa Electric moves the Commission for entry of a temporary protective order allowing it to provide access to OPC to the confidential portions of the Request for Production No. 24 while maintaining the confidential nature of that information.

DATED this 29<sup>th</sup> day of April 2020.

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 Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been furnished by electronic mail on this 29th day of April 2020 to the following:

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Office of General Counsel  
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