

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power  
cost recovery clause and  
generating performance incentive  
factor.

DOCKET NO. 980001-EI  
ORDER NO. PSC-98-0166-CFO-EI  
ISSUED: January 27, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO TAMPA ELECTRIC  
COMPANY'S REVISED EXHIBIT CRB-1,  
DOCUMENT NO. 06785-97

Pursuant to Section 366.093(3), Florida Statutes, and Rule 25-22.0006, Florida Administrative Code, Tampa Electric Company (TECO) requests confidential classification for portions of Document No. 06785-97. This document contains TECO's revised Exhibit CRB-1. Document No. 06785-97 was admitted into evidence at the August 14 and 15, 1997, Fuel Hearing as Exhibit 40. TECO asserts that the information contained in this document is entitled to confidential classification under Section 366.093(3), Florida Statutes. TECO maintains that this information is proprietary confidential business information the disclosure of which would harm TECO and its ratepayers. TECO also contends that this information is intended to be and is treated as confidential by TECO and has not been publicly disclosed.

TECO requests that the information contained in Exhibit CRB-1 page 2 of 2 of Document 1, revised July 3, 1997, relating to the Weighted Average per ton Water Transportation Price from All Tampa Electric Coal Sources, the Over/Under Benchmark, the Total Transportation Cost in 1996, Total Cost Over/(Under) Benchmark, 1996, Prior Year's Cumulative Benefit (1988-95), and Net Benefit for 1988-1996 be granted confidential classification. TECO also requests that the information on page 2 of 2, Document 2, revised July 3, 1997 relating to Tampa Electric Weighed Average per Ton Price of Coal Purchased, Over/(Under) Benchmark, Total Cost in 1996, and Total Cost over/(Under) Benchmark - 1996 be granted confidential classification. TECO asserts that the information contained in these lines of these two documents is proprietary confidential business information because knowledge of the prices paid for coal and transportation services could be inferred from the information contained in these lines. Knowledge of the prices TECO pays for coal and transportation services puts TECO at a disadvantage during negotiations. The disclosure of this information would impair the efforts of TECO to contract for goods or services on favorable terms.

DOCUMENT NUMBER-DATE

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TECO further requests that the information contained in these two revised documents remain confidential for a period of two years from the date of the issuance of this Order. TECO argues that this extension of the statutory confidential classification time period is necessary. This is because during two years there will be time for conditions to change so that the information contained in these documents will no longer be useful to TECO's competitors or those with whom TECO negotiates coal and transportation services. This request for an extension of the statutory period for confidential classification from eighteen to twenty four months appears to be reasonable and prudent given the nature of the information TECO seeks to protect.

It appears that the information for which TECO requests confidential treatment is proprietary confidential business information the disclosure of which would harm TECO and its ratepayers. This information is of a sensitive nature which could harm TECO and its ratepayers should it be disclosed to competitors while the information was current. TECO's request for an extension of the declassification period from 18 months to 2 years is, therefore, reasonable. TECO's request for confidentiality is, therefore, granted. The information contained in Document No. 06785-97, is granted confidential classification for a period of two years from the date of the issuance of this Order.

Based on the foregoing, good cause having been shown, it is therefore


ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Tampa Electric Company's request for confidential classification of revised Exhibit CRB-1, Document No. 06785-97 is granted. It is further

ORDERED that Document No. 06785-97 is granted confidential classification for a period of two years from the date of the issuance of this Order. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 27th Day of January, 1998.

  
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SUSAN F. CLARK  
Commissioner and Prehearing Officer

( S E A L )

GAJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such

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review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.