

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of regulated earnings of Tampa Electric Company pursuant to stipulations for calendar years 1995 through 1999.

DOCKET NO. 950379-EI
ORDER NO. PSC-00-2142-CFO-EI
ISSUED: November 9, 2000

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO TAMPA ELECTRIC COMPANY'S RESPONSE TO STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (DOCUMENT NO. 10558-00)

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Tampa Electric Company (TECO or Company) has requested specified confidential treatment for certain information contained in TECO's response to staff's first request for production of documents. This request for confidential classification was filed on August 30, 2000. The confidential information is filed with the Commission as Document No. 10558-00.

TECO asserts that Bates Stamp Pages 238, 242, 247, 249, 250 and 275 contain material which is intended to be, and is treated by TECO, as confidential and has not been disclosed to the public. Therefore, pursuant to Section 366.093(3), Florida Statutes, TECO requests confidential classification of this information.

INFORMATION FOR WHICH CONFIDENTIAL CLASSIFICATION IS SOUGHT

Bate Stamp Page 238

TECO asserts that the leverage leased portfolio information reflected on Bate Stamp page 238 pertains to leases TECO Energy, Inc., Tampa Electric's parent, is presently attempting to sell. The Company contends that TECO Energy, Inc. and ultimately Tampa Electric and its customers, would be disadvantaged if bidders knew TECO Energy Inc.'s book value. As such, TECO maintains that this is proprietary business information, the public disclosure of which would adversely affect TECO Energy, Inc., Tampa Electric and its general body of ratepayers. Section 366.093, Florida Statutes.

Bate Stamp Page 242

DOCUMENT NUMBER-DATE

14507 NOV-98

FPSC-RECORDS/REPORTING

TECO contends that the highlighted information on Bate Stamp page 242 discloses proprietary information concerning Mid-South operating leases, numbers of barges and annual lease payments. TECO asserts that this is competitive information that discloses Mid-South Towing Company's costs. Additionally, TECO maintains that public disclosure of this information would provide an advantage to Tampa Electric's affiliate and ultimately TECO's general body of ratepayers. As such, TECO asserts that this information is entitled to confidential protection under Section 366.093, Florida Statutes.

Bate Stamp Page 247

TECO maintains that the highlighted information on Bate Stamp page 247 contains historical results from 1994 through 1998 for TECO Transport in terms of segmented tonnage handled by each subsidiary, operating income and return on investment. TECO asserts that public disclosure of this information would provide a significant competitive advantage to competitors of TECO Transport and its subsidiaries through the disclosure of tonnages handled and the operating income and return derived therefrom. As such, TECO maintains that this information is proprietary competitive business information which is entitled to confidential classification under Section 366.093, Florida Statutes.

Bate Stamp Pages 249 & 250

TECO asserts that the highlighted information on Bate Stamp pages 249 & 250 contain historical results from 1992 through 1998 for TECO Coal in terms of tonnage handled by that subsidiary. TECO contends that public disclosure of this information would provide a significant competitive advantage to competitors of TECO Coal and its subsidiaries through the disclosure of tonnages handled. Therefore, TECO maintains that this information is proprietary competitive business information which is entitled to confidential classification pursuant to Section 366.093, Florida Statutes.

Bate Stamp Page 275

TECO contends that the highlighted information on Bate Stamp page 275 represents a prospective breakdown of the functional areas of Tampa Electric's construction focus. TECO asserts that this

would provide an embedded cost benchmark for companies entering into or already participating in Florida's wholesale electric market. TECO maintains release of this information would provide Tampa Electric's competition significant information which would enable them to benchmark and determine Tampa Electric's capital investment priorities and strategic plans. Additionally, TECO asserts that release of this information would provide Tampa Electric's wholesale competitors with valuable information with regard to expected expenditures on generation capital projects and enable them to competitively model Tampa Electric's wholesale activity. TECO contends that all of these factors would work to the detriment of TECO and its general body of ratepayers by adversely affecting the company's gains on wholesale sales. Therefore, TECO maintains that the highlighted information is competitive, confidential proprietary business information, the public disclosure of which would adversely affect TECO's interests and those of its ratepayers.

CONCLUSION

Upon review, the information described above appears to be proprietary, confidential business information within the meaning of Section 366.093(3), Florida Statutes. Therefore, TECO's request for confidential classification of Tampa Electric Company's response to Staff's first request for production of documents, is granted.

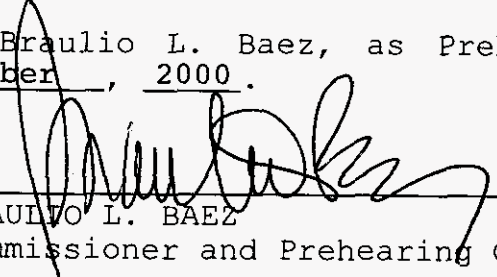
Section 366.093(4), Florida Statutes, provides that "any finding by the Commission that records contain proprietary confidential business information is effective for a period not to exceed 18 months, unless good cause is shown for a specified longer period." TECO did not specify a time period in its request. Therefore, this information shall be granted confidential classification for a period of 18 months from the date of issuance of this Order.

It is therefore

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the request by Tampa Electric Company that its response to Staff's first request for production of documents, be granted confidential classification, is approved. It is further

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By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 9th day of November, 2000.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

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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,

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