

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa
Electric Company for Approval of
a Special Contract with IMC
Phosphates Company for the
Provision of Interruptible
Electric Service.

DOCKET NO. 001287-EI
ORDER NO. PSC-00-2453-CFO-EI
ISSUED: December 20, 2000

ORDER GRANTING TAMPA ELECTRIC COMPANY'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF INFORMATION
(DOCUMENT NO. 10828-00)

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 its proposed agreement with IMC Phosphates Company (IMC). The confidential information is filed with the Commission as Document No. 10828-00.

TECO asserts that the contract contains negotiated rates, terms or conditions, and details regarding IMC's self-generating capacity and specific electrical usage. TECO maintains that IMC has indicated that the above-referenced information is proprietary information that IMC does not wish to share with its competitors. TECO states that both TECO and IMC treat the information as confidential and have not disclosed it to other parties. TECO asserts, therefore, that this information is proprietary, confidential business information and as such, is entitled to protection from disclosure under Sections 366.093(1), and (3)(e), Florida Statutes.

INFORMATION FOR WHICH CONFIDENTIAL CLASSIFICATION IS SOUGHT

TECO requests that the information contained in the following table be granted confidential classification:

DOCUMENT NUMBER-DATE

16270 DEC 20 8

FPSC-RECORDS/REPORTING

**AGREEMENT FOR PURCHASE BY IMC PHOSPHATES COMPANY OF INTERRUPTIBLE
ELECTRIC SERVICE FROM TAMPA ELECTRIC COMPANY**

PAGE	LINE(S)
1	27
3	22-28, 36-39
4	36-37
5	5, 9, 14, 16, 18, 20, 34, 38
6	7, 10, 12

Section 366.093(1), Florida Statutes, provides that "any records received by the Commission which are shown and found by the Commission to be proprietary confidential business information shall be kept confidential and shall be exempt from the Public Records Act." Proprietary confidential business information means information that is (i) intended to be and is treated as private, confidential information by the Company, (ii) because disclosure of the information would cause harm, (iii) either to the Company's ratepayers or the Company's business operations, and (iv) the information has not been voluntarily disclosed to the public. Section 366.093(3), Florida Statutes.

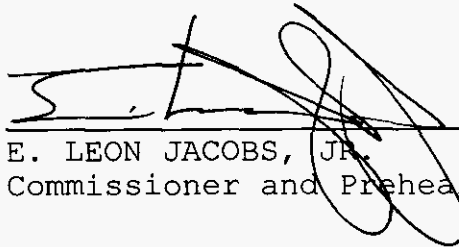
TECO states that the information fits the statutory definition of proprietary confidential business information. The Company maintains on behalf of IMC that this material contains information regarding IMC's self-generating capacity and the negotiated rates and other terms of the agreement that IMC's competitors could use to the disadvantage of IMC. Accordingly, TECO asserts that the information is entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

TECO further contends that both TECO and IMC have treated the subject information as confidential and have not disclosed it to third parties.

Therefore, TECO requests that certain information contained in its agreement with IMC be granted confidential classification.

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By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 20th Day of December, 2000.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

DDH

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