

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of appropriate cost allocation and regulatory treatment of total revenues associated with wholesale sales to Florida Municipal Power Agency and City of Lakeland by Tampa Electric Company.

DOCKET NO. 970171-EU
ORDER NO. PSC-98-0223-CFO-EU
ISSUED: February 5, 1998

ORDER GRANTING CONFIDENTIAL CLASSIFICATION TO
PORTIONS OF TAMPA ELECTRIC COMPANY'S LATE FILED
HEARING EXHIBIT NO. 6 (DOCUMENT NO. 06717-97)

Pursuant to Section 366.093, Florida Statutes, Tampa Electric Company ("TECO" or "the company") requests confidential treatment for certain information contained in Late Filed Hearing Exhibit 6.

TECO requests confidential treatment for the information contained in column 1 lines 1-8 of the late-filed exhibit because each of the values referred to above reflects proprietary confidential business information of a non-regulated affiliate of TECO, TECO Transport & Trade (TT&T), relative to the cost and profitability of transportation services provided by that affiliate. The waterborne transportation of coal and other commodities is a highly competitive industry and public disclosure of the cost and margin information would enable those who compete with TT&T for coal and commodity transportation services to have a competitive advantage over TT&T. Public disclosure of the information in question would harm TT&T's ability to compete for continued and new business.

The cost and margin information in question qualifies for confidential treatment and exemption from Section 119.07(1), Florida Statutes, under the following provisions of Section 366.093(3)(d) and (e), Florida Statutes. TECO argues that this information is proprietary confidential business 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. TECO also asserts that the information in this late-filed exhibit is information relating to competitive interests, the disclosure of

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which would impair the competitive business of the provider of the information.

TECO asserts that public disclosure of the confidential information in question would enable competitors of TT&T to structure bids, offers and negotiations in such ways as to prevail over TT&T's offers, bids and negotiations to provide water transportation services. The information would similarly be useful from a competitive standpoint to present and potential customers of TT&T in their negotiations with TT&T to provide waterborne transportation services. Knowing the profitability of a potential service provider lets the potential customer know how far to press in the negotiations.

TECO reiterates that TT&T is a non-FPSC regulated provider of waterborne transportation services whose competitors are not required to disclose costs or margins of their operations. Public disclosure of this type of information would be extremely prejudicial to the rights of TT&T.

TECO requests that the information for which it seeks confidential classification not be declassified at all, but that the information in question be returned to TECO at the conclusion of this proceeding as contemplated in the Order Establishing Procedure, at page 2, and in the Prehearing Order as well as in Rule 25-232.0006(6)(d), Florida Administrative Code. This request must be and is denied because the information for which confidential treatment is sought is part of the official record in this docket and must be retained by the Commission. If, at the expiration of the confidential period, TECO believes confidential classification for the information is appropriate, TECO may petition for continued confidential classification. TECO alleges that the material for which it seeks confidential classification is intended to be and is treated by TECO and its affiliates as private and has not been disclosed.

Good cause having been shown, it is found that TECO's petition for confidential classification of certain information contained in Document No. 06717-97 is granted. Upon review it appears that the information is proprietary, confidential business information within the meaning of Section 366.093(d), Florida Statutes. In accord with Section 366.093(4), Florida Statutes, the material shall be treated as confidential for a period of eighteen months from the date of the Order.

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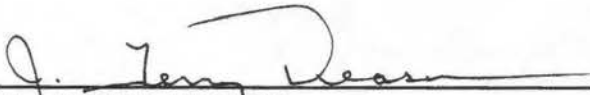
In consideration of the foregoing, it is therefore

ORDERED that portions of Tampa Electric Company's Late-Filed Hearing Exhibit No. 6 (Document No. 06717-97) as enumerated herein are granted confidential classification. It is further

ORDERED that the information contained in Document No. 06717-97 is granted confidentiality for a period of eighteen months from 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.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 5th Day of February, 1998.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

JCB/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.

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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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.