

# AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
18501 224-9115 FAX 18501 222-7560

# ORIGINAL

August 7, 1998

HAND DELIVERED

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause  
with Generating Performance Incentive Factor,  
FPSC Docket No. 980001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Notice of Intent to Seek Confidential Classification.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,

  
James D. Beasley

JDB/pp  
Enclosure

cc: All Parties of Record (w/enc.)  
Leslie Paugh (w/enc.)

This Notice of Intent was filed with Confidential Document No. 08419-98. The document has been placed in the confidential files pending receipt of a request for confidential treatment.

RECEIVED & FILED

  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

**08418** AUG-7 98

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor. )  
\_\_\_\_\_ )

DOCKET NO. 980001-EI  
FILED: August 7, 1998

**TAMPA ELECTRIC COMPANY'S  
NOTICE OF INTENT TO SEEK CONFIDENTIAL CLASSIFICATION**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Section 366.093, Florida Statutes, and Fla. Admin. Code Rule 25-22.006, hereby serves notice of its intent to seek confidential classification of certain documents simultaneously filed herewith under a separate cover letter for confidential filing and, as grounds therefor, says:

1. In Staff's First Set of Interrogatories and Requests for Production of Documents the company was asked to produce certain information the public disclosure of which could be harmful to Tampa Electric and its customers. Attached hereto as Exhibit "A" are copies of Staff's Interrogatories Nos. 3 and 5 as well as Staff's Requests for Production of Documents Nos. 1, 2 and 3.

2. Rather than providing the answer to Staff Interrogatories Nos. 3 and 5 in a textual format, Tampa Electric is providing the agreements which contain the requested information under a confidential cover letter to the Division of Records and Reporting. The documents thus produced consist of a Transportation Storage and Transfer Agreement between Tampa Electric Company and TECO Transport Corporation dated as of June 30, 1998 and a Coal Transportation Agreement between Tampa Electric Company and TECO Transport and Trade Corporation dated October 14, 1998.

DOCUMENT NUMBER-DATE

08418 AUG-7 98

FPSC-RECORDS/REPORTING

3. The documents requested in Staff's Request for Production of Documents Nos. 1 through 3, likewise, are being submitted simultaneously with this filing under a separate confidential filing cover letter. Those documents consist of:

Tampa Electric's bid solicitation entitled "Request for Waterborne Transportation Services, Bid solicitation WB-0199, Coal Transportation and Terminal Service."

Proposals which Tampa Electric received as a result of its August 12, 1997 solicitation.

Tampa Electric Company's Evaluation of Transportation Bids.

4. Tampa Electric considers all of the above described documents to constitute proprietary confidential business information and protects the documents in question as such. Public disclosure of these documents would be harmful to the interests of Tampa Electric and its customers. The documents are entitled to confidential protection under Section 366.093, Florida Statutes, and Fla. Admin. Code Rule 25-22.006.

5. Tampa Electric requests that the above-referenced documents be returned to the company prior to the expiration of 21 days from the date of this Notice of Intent. Tampa Electric reserves the right to file a formal request for confidential classification in the event the above documents are not returned to the company prior to the expiration of the 21-day period within which to submit such a request.

WHEREFORE, Tampa Electric serves this its Notice of Intent to Seek Confidential Classification of the above-described documents.

DATED this 7<sup>th</sup> day of August, 1998.

Respectfully submitted,



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LEE L. WILLIS  
JAMES D. BEASLEY  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, Florida 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice has been furnished by U. S.

Mail or hand delivery (\*) on this 7<sup>th</sup> day of August, 1999 to the following:

Ms. Leslie J. Paugh\*  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

Mr. John W. McWhirter  
McWhirter, Reeves, McGlothlin,  
Davidson & Bakas  
Post Office Box 3350  
Tampa, FL 33601

Mr. James A. McGee  
Senior Counsel  
Florida Power Corporation  
Post Office Box 14042  
St. Petersburg, FL 33733

Mr. Matthew M. Childs  
Steel Hector & Davis  
Suite 601  
215 South Monroe Street  
Tallahassee, FL 32301

Mr. Joseph A. McGlothlin  
Ms. Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas  
117 S. Gadsden Street  
Tallahassee, FL 32301

Ms. Suzanne Brownless  
Suzanne Brownless P.A.  
1311-B Paul Russell Road #201  
Tallahassee, FL 32301

Mr. Jack Shreve  
Office of Public Counsel  
Room 812  
111 West Madison Street  
Tallahassee, FL 32399-1400

Mr. Jeffrey A. Stone  
Beggs & Lane  
Post Office Box 12950  
Pensacola, FL 32576

Mr. Kenneth A. Hoffman  
Rutledge, Ecenia, Underwood,  
Purnell & Hoffman  
Post Office Box 551  
Tallahassee, FL 32302-0551

  
ATTORNEY









STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO TAMPA  
ELECTRIC COMPANY (NOS. 1 - 3)  
DOCKET NO. 970001-EI

3. Provide a copy of all analysis performed to evaluate each proposal that Tampa Electric Company received in response to its August 12, 1997 solicitation.

  
\_\_\_\_\_  
LESLIE J. PAUGH  
Staff Counsel

Florida Public Service Commission  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6199

**AUSLEY & MCMULLEN****ORIGINAL**

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August 7, 1998

**HAND DELIVERED**Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
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with Generating Performance Incentive Factor,  
FPSC Docket No. 980001-EI**CONFIDENTIAL FILING**

Dear Ms. Bayo:

In Staff's First Set of Interrogatories, Interrogatories Nos. 3 and 5, Tampa Electric was asked to provide certain information concerning its transactions for the waterborne transportation of coal. Rather than including that information in the text of the company's interrogatory answers, Tampa Electric opted to afford the Staff an opportunity to review the underlying agreement which contain the requested information. Enclosed for filing are the following confidential documents containing the information requested in Staff's Interrogatories Nos. 3 and 5:

1. Transportation Storage and Transfer Agreement between Tampa Electric Company and TECO Transport Corporation dated as of June 30, 1998.
2. Coal Transportation Agreement between Tampa Electric Company and TECO Transport and Trade Corporation.

In addition, Staff's First Request for Production of Documents, Requests Nos. 1, 2 and 3, seek confidential documents. Enclosed for filing are the following confidential documents responsive to Staff's Requests Nos. 1, 2 and 3:

1. Tampa Electric's bid solicitation entitled "Request for Waterborne Transportation Services, Bid Solicitation WB-0199, Coal Transportation and Terminal Service."

RECEIVED &amp; FILED

  
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FPSC-RECORDS/REPORTING

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Page Two

2. Proposals which Tampa Electric received as a result of its August 12, 1997 solicitation.
3. Tampa Electric Company's Evaluation of Transportation Bids.

Tampa Electric considers all of the above listed documents to be confidential proprietary business information entitled to protection against public disclosure under Section 366.093, Florida Statutes, and Fla. Admin. Code Rule 25-22.006. We request that you protect the confidential nature of these documents consistent with your internal procedures for accomplishing this.

We are simultaneously filing a Notice of Intent to Seek Confidential Classification of the above listed documents.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,

  
James D. Beasley

JDB/pp  
Enclosures

cc: All Parties of Record (w/o enc.)  
Leslie J. Paugh (w/o enc.)