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ORIGINAL

July 20, 2001

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

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COMMISSION
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Re: Fuel and Purchased Power Cost Recovery Clause with Generating
Performance Incentive Factor; FPSC Docket No. 010001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Motion for a Protective Order Relating to Florida Industrial Power Users Group's Second Set of Interrogatories.

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/enc.)

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased)
Power Cost Recovery Clause)
and Generating Performance)
Incentive Factor.)
_____)

DOCKET NO. 010001-EI
FILED: July 20, 2001

**TAMPA ELECTRIC COMPANY'S MOTION
FOR A PROTECTIVE ORDER RELATING TO FLORIDA INDUSTRIAL
POWER USERS GROUP'S SECOND SET OF INTERROGATORIES**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.280(c), Florida Rules of Civil Procedure, moves the Commission for entry of a protective order requiring the Florida Industrial Power Users Group ("FIPUG"), through its counsel of record in this proceeding, to sign an appropriately designed non-disclosure agreement in advance of reviewing certain information to be provided in response to part (c) of FIPUG's Interrogatory No. 24 and in response to FIPUG's Interrogatory No. 28 and, as grounds therefor, says:

As to Part (c) of Interrogatory No. 24

1. Tampa Electric's answer to Part (c) of FIPUG's Interrogatory 24 would provide market information, including the identities of parties with whom Tampa Electric is engaged in wholesale transactions, the level of capacity sold, the term of the transaction, and the nature of the obligation under contracts Tampa Electric has signed since the responses to FIPUG's First Set of Interrogatories was filed. This information reflects the market in which Tampa Electric currently participates and the terms of competitive transactions Tampa Electric has entered into in the current wholesale power market. This information is very sensitive from a competitive standpoint.

2. Tampa Electric does not file information about its purchase contracts with the Federal Energy Regulatory Commission or otherwise place this information in the public domain. The information in question, which is data pertaining to competitively negotiated wholesale power transactions, should be treated as confidential competitive or trade secret information the disclosure of which would be harmful to Tampa Electric and its retail customers who are the beneficiaries of Tampa Electric's wholesale power transactions.

3. Tampa Electric is answering Interrogatory No. 24, subpart (c), with the confidential information that is the subject of this Motion redacted for new contracts the company has entered into since its response to Interrogatory No. 1 was filed in this proceeding. Requiring FIPUG's counsel to execute a non-disclosure agreement prior to having access to the redacted portions of Tampa Electric's answer will protect the interests of Tampa Electric and its general body of ratepayers without causing FIPUG any undue burden or delay.

As to FIPUG's Interrogatory No. 28

4. An answer to this request for market information would include more detail than Tampa Electric has provided in the public domain and would include pricing information which is highly sensitive trade secret information, public disclosure of which would be harmful to the competitive interests of Tampa Electric and to the interests of its retail customers. As such, the information in question is entitled to confidential treatment and counsel for FIPUG should be required to execute a non-disclosure agreement before having access to the information in question. Tampa Electric has redacted the confidential trade secret information from its answer to Interrogatory No. 28 pending final disposition of this Motion.

As to Both Part (c) of Interrogatory No. 24 and Interrogatory No. 28

5. The information sought in both Part (c) of Interrogatory No. 24 and FIPUG's Interrogatory No. 28 are very similar in nature to the highly sensitive competitive information that was the subject of a Motion for Protective Order Tampa Electric filed in this proceeding on July 12, 2001. That Motion for a Protective Order, likewise, requested that FIPUG's counsel be required to execute an appropriate non-disclosure agreement in advance of having access to the information that was the subject of that Motion. The various arguments set forth in the July 12 Motion for a Protective Order apply with equal force with respect to the information sought in FIPUG's Interrogatory Nos. 24(c) and 28. Tampa Electric adopts and incorporates herein by reference the argument set forth in the company's July 12, 2001 Motion for a Protective Order in support of this Motion. All of the information sought by FIPUG in Interrogatory No. 24(c), as relates to new contracts entered into subsequent to Tampa Electric's answer to FIPUG's Interrogatory No. 1, and Interrogatory No. 28, qualifies for confidential treatment under Section 366.093(3)(d) (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 and services on favorable terms) and (e), Florida Statutes, (information relating to competitive interests the disclosure of which would impair the competitive business of the provider of the information). Accordingly, FIPUG should be required to have its counsel enter into a non-disclosure agreement with Tampa Electric in advance of having access to the information in question.

6. Further, as indicated in paragraph 9 of Tampa Electric Company's July 12, 2001 Motion for a Protective Order, the non-disclosure agreement should prevent individual FIPUG members from having access to the competitive information sought in Interrogatory 24(c) and 28, inasmuch as they are active participants in the wholesale power market in Florida

themselves, and could use this information to the detriment of Tampa Electric and its retail customers.

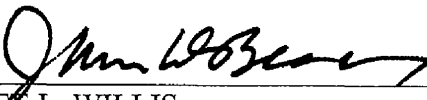
Request for Expedited Ruling

7. Tampa Electric respectfully requests an expedited ruling on this Motion in an effort to allow FIPUG's counsel to have access to the information requested at the earliest possible date while at the same time protecting the competitive interests of Tampa Electric and the interests of its customers.

WHEREFORE, Tampa Electric moves the Commission for entry of a protective order requiring FIPUG's counsel to sign a non-disclosure agreement regarding information sought in FIPUG's Interrogatory No. 24(c) and 28 in advance of having access to such information. The company further requests an expedited ruling on this Motion.

DATED this 20th day of July 2001.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Protective Order, filed on behalf of Tampa Electric Company, has been furnished by hand delivery (*) or U. S. Mail on this 20th day of July, 2001 to the following:

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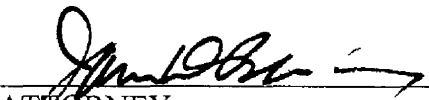
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