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April 6, 2009

HAND DELIVERED

Ms. Ann Cole, Director  
Division of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
09 APR -6 PM 2:39  
COMMISSION  
CLERK

Re: Fuel and Purchased Power Cost Recovery Clause with Generating  
Performance Incentive Factor; FPSC Docket No. 090001-EI

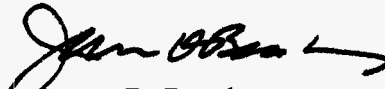
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order regarding portions of its answers to the Office of Public Counsel's First Request for Production of Documents Nos. 2 and 10.

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

COM \_\_\_\_\_  
ECR 2 \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
RCP \_\_\_\_\_  
SSC \_\_\_\_\_  
SGA \_\_\_\_\_  
ADM \_\_\_\_\_  
CLK J \_\_\_\_\_

cc: All parties of record (w/enc.)

DOCUMENT NUMBER-DATE

03041 APR -6 8

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. 090001-EI

FILED: April 6, 2009

**TAMPA ELECTRIC COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
AND MOTION FOR TEMPORARY PROTECTIVE ORDER**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby request confidential classification of the yellow highlighted information contained in the following described document(s) ("the Document(s)") stamped "CONFIDENTIAL" and all information that is or may be printed on yellow paper stock stamped "CONFIDENTIAL" within the Document(s), all of said confidential information being hereinafter referred to as "Confidential Information."

**Description of the Document(s)**

Office of Public Counsel's First Request for Production of Documents, Document Nos. 2 and 10 (Bates stamp pages 30, 32, 33, 34, 81 and 83). In support of this request, the company states:

1. Subsection 366.093(1), Florida Statutes, provides that any records "found by the Commission to be propriety confidential business information shall be kept confidential and shall be exempt from s. 119.07(1), Florida Statutes [requiring disclosure under the Public Records Act]." Proprietary confidential business information includes, but is not limited to "[i]nformation concerning . . . contractual data, the disclosure of which would impair the efforts

DOCUMENT NUMBER-DATE

0304 | APR -6 8

FPSC-COMMISSION CLERK

of the public utility or its affiliates to contract for goods or services on favorable terms.” Subsection 366.093(3)(d), Florida Statutes. Proprietary confidential business information also includes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.” Section 366.093(3)(e), Florida Statutes. The Confidential Information that is the subject of this request and motion falls within the statutory categories and, thus, constitutes propriety confidential business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

2. Attached hereto as Exhibit "A" is a justification for confidential treatment of the Confidential Information contained in the Document(s).

3. Attached hereto as Exhibit "B" are two public versions of the Document(s) with the Confidential Information redacted, unless previously filed as indicated.

4. The Confidential Information contained in the Document(s) is intended to be and is treated by Tampa Electric as private and has not been publicly disclosed.

5. For the same reasons set forth herein in support of its request for confidential classification, Tampa Electric also moves the Commission for entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

**Requested Duration of Confidential Classification**

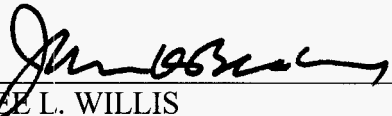
6. Tampa Electric requests that the Confidential Information be treated by the Commission as confidential proprietary business information for at least the 18 month period prescribed in Rule 25-22.006(9)(a), Florida Administrative Code. If, and to the extent that the company is in need of confidential classification of the Confidential Information beyond the 18

month period set forth in the Commission rule, the justification and grounds for such extended confidential treatment are set forth in Exhibit "C" to this request and motion.

WHEREFORE, Tampa Electric Company respectfully requests that the Confidential Information that is the subject of this request and motion be accorded confidential classification for the reasons set forth herein and for a minimum period of 18 months, subject to any request for a longer period of confidential classification as may be set forth in Exhibit "C" to this request and motion. The company further moves for the entry of a temporary protective order pursuant to Rule 25-22.006(6)(c), Florida Administrative Code, protecting the Confidential Information from public disclosure.

DATED this 6<sup>th</sup> day of April, 2009.

Respectfully submitted,

  
\_\_\_\_\_  
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 and correct copy of the foregoing Request for Confidential Classification and Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been served by hand delivery (\*) or U. S. Mail on this 6<sup>th</sup> day of April, 2009 to the following:

Ms. Lisa C. Bennett\*  
Senior Attorney  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

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Associate General Counsel  
Progress Energy Service Co., LLC  
Post Office Box 14042  
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McWhirter, Reeves & Davidson, P.A.  
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Tampa, FL 33601-3350

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Keefe Anchors Gordon & Moyle, PA  
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Office of Public Counsel  
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Florida Public Utilities Company  
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Managing Attorney - Regulatory  
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Juno Beach, FL 33408-0420

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Florida Power & Light Company  
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Secretary and Treasurer  
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One Energy Place  
Pensacola, FL 32520-0780

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Mr. Russell A. Badders  
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Karen S. White, Lt Col, USAF  
Shayla L. McNeill, Capt, USAF  
AFCESA/ULT  
139 Barnes Drive, Suite 1  
Tyndall Air Force Base, FL 32403-5319

Ms. Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

Mr. James W. Brew  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, D.C. 20007-5201

  
\_\_\_\_\_  
ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT  
OF CONFIDENTIAL INFORMATION CONTAINED IN  
TAMPA ELECTRIC'S RESPONSES TO OPC'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS (FILED APRIL 6, 2009)**

<u>POD No.</u>	<u>Bates Page No.</u>	<u>Description</u>	<u>Rationale</u>
2	30	The highlighted information	(1)
2	32	The highlighted information	(1)
2	33	The highlighted information	(1)
2	34	The highlighted information	(1)
10	81	The highlighted information	(2)
10	83	The highlighted information	(3)

- 
- (1) The information is competitive contractual fuel commodity and transportation costs. The information discloses in detail, Tampa Electric's contracted fuel prices, by supplier, and pricing terms of bids submitted in response to the company's RFP. Commodity rates have been recognized by the Commission on numerous occasions to constitute proprietary confidential business information and the disclosure of which would be harmful to Tampa Electric's ability to contract for goods and services on favorable terms and, likewise, harmful to the competitive interests of Tampa Electric and the party with which it contracts. This is the specific type of information described in Section 366.093(3)(d) and (e) as being entitled to confidential protection and exemption from the Public Records Law. Likewise, the fuel transportation rates paid under the company's existing contracts are competitively sensitive, and have been recognized as proprietary confidential business information on numerous occasions. Disclosing this fuel commodity and transportation cost information would harm Tampa Electric's position in determining rates for future contracts since the providers' bid responses might be influenced if they had knowledge of the contract or bid rates, and it would harm Tampa Electric's position in negotiating the best rates for future contracts, to the detriment of its customers. As such, this information is entitled to confidential protection pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.
- (2) This document is the company's confidential Risk Management Report filed on April 3, 2009, and the information contained therein has been granted confidential treatment on numerous occasions. Disclosure of this information would afford natural gas suppliers, brokers and hedging counterparties with inside information on Tampa Electric's purchase and hedging strategies and prioritizations. This could adversely impact Tampa Electric's position, to the detriment of Tampa Electric and its customers, in negotiating natural gas purchases and implementing hedges. Consequently, this competitively sensitive information is confidential proprietary business information protected under Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code.

- (3) This document is the company's confidential Risk Management Report filed on April 3, 2009, and the information contained therein has been granted confidential treatment on numerous occasions. Disclosing Tampa Electric's highlighted actual contractual fuel prices and the market indexes upon which fuel contract prices are based would impair Tampa Electric's future efforts to contract for goods and services on favorable terms. The information could be used by suppliers to affect the price of fuel that Tampa Electric will need to purchase in the future since the provider's bids might be influenced if they had knowledge of existing contract rates. Knowledge of this information would allow fuel suppliers to use this valuable information to help them negotiate more favorable terms, to the detriment of Tampa Electric and its customers, than would otherwise be the case. Consequently, this competitively sensitive information is confidential proprietary business information protected under Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code.



**PUBLIC VERSION(S) OF THE DOCUMENT(S)**

Attached hereto (unless previously filed as may be noted below) are two public versions of the Document(s) with the Confidential Information redacted.

Public Version(s) of the Document(s) attached   X  

Public Version(s) of the Document(s) previously filed on \_\_\_\_\_

Gen-2009-02 Cost of Fuels Utilization Model  
Big Bend and Polk Spot Solicitation

Select Base Year 2009

Fuel Supplier	Mine	TONS OFFERED K tons	FOB	DOCK	RAIL	RIVER	GULF			TOTAL DELIV'D \$/Ton	TOTAL DELIV'D \$/MMBtu
							TERMINAL	Trucking	Total		
<b>Big Bend and Polk High Sulfur</b>											
<sup>2</sup> Capitol Sales	Crown III	200									
Lafayette Energy Company	Prosperity Mine	500									
<sup>4</sup> Ion Carbon & Minerals	K-2	360									
<sup>5</sup> Coalsales, LLC	Gateway Mining Complex	250, 250									
<sup>3</sup> American Coal Sales	Paradise Mine	600									
<sup>1</sup> Patriot Coal	Dodge Hill or substitute	100, 300, 300									
<b>Polk Low Sulfur</b>											
<sup>6</sup> Commonwealth Coal Services	CW Mining	150									
<sup>7</sup> CoalTek	Microwaved PRB	80									
<sup>8</sup> Glencore Ltd.	Calenturitas (Columbia)	160									
<sup>9</sup> Coal Marketing Company	Cerrejon (Columbia)	250									
Oxbow Mining LLC	Elk Creek Mine	350									

**Big Bend and Polk High Sulfur**

- <sup>1</sup> Required a 3 year deal - solicited for one. No purchase
- <sup>2</sup> FOB Railcar 1 yr - Btu below Big Bend requirement - No purchase
- <sup>3</sup> FOB Railcar 1 yr - no unloading facility at Big Bend - No purchase
- <sup>4</sup> 2 year offer Current s02 adjustment added to pp - Purchase one year with mutual option for second year.
- <sup>5</sup> One year 600k. Purchase one year.

**Polk Low Sulfur Offers**

- <sup>6</sup> Utah Coal in Utah - Mine currently operating under bankruptcy protection - no purchase
- <sup>7</sup> Coal Briquettes 3 years - microwaved PRB coal, PRB fusion not acceptable for Polk blend fuel. Per John McDaniel
- <sup>8</sup> CIF Big Bend
- <sup>9</sup> CIF Tampalex
- No purchases made at this time

Transportation Rates from 2009 United Transportation contract  
n/s = not supplied

2009 Petroleum Coke Solicitation

Vendor	Pricing Mechanism	Tons	Refinery	Delivery location	BTU's	% Sulfur (As Received)	HGI	\$ s / ton Polk	c/mmbtu's Polk
Valero		500,000	St Charles Refinery	Refinery	14,000	5.20%	+50		
Koch Koch		200,000 200,000	TBD TBD	FOB Refinery Gulf Coast DES Customs cleared Gulf Coast	14,000 14,000	6.25% 5.25%	45 35		
TCP Type A	No Bid				14,000	7.00%	+50	\$0.00	\$0.00
Oxbow		176,000	Hovensa Refinery	Big Bens Station	14,000	5.25%	35-45		
EC SpA	No Bid				14,000	5.50%	50	\$0.00	\$0.00



**MEMORANDUM**

**TO:** Joann Wehle  
Karen Bramley  
**FROM:** Martin Duff  
**DATE:** August 20, 2008  
**SUBJECT:** Big Bend and Polk Coal and PC Bid Solicitation

Tampa Electric Company conducted multiple bid solicitation on June 12, 2008, to secure 2009 supply of approximately 600,000 tons of spot coal for Big Bend Station. Tampa Electric also solicited for 150,000 tons of low sulfur coal for blending with petcoke or 600,000 tons of high sulfur coal for Polk Station. Tampa Electric solicited for 200,000 tons of petcoke for Big Bend and 500,000 tons of petcoke for Polk. Attached are the results of this bid solicitation. Based upon the results of the solicitation, Tampa Electric intends to enter into supply contracts for Big Bend and Polk with the following suppliers:

Vendor	Quantity (tons)	Timeframe	\$/mmBtu Delivered Cost	Other
American Coal	600,000	2009	██████	West Kentucky coal from Paradise mine
Peabody Coalsales, LLC	250,000	2009	██████	Gateway mining complex
Valero Marketing and Supply Company	500,000	2009	██████	██████████ for 2009

Tampa Electric did not purchase coal from the low bidder, Capitol Sales (Crown III mine) because the Btu specification offered is well below the minimum Big Bend specifications and we have significant quantities of low Btu coals already in our long term portfolio. Any additional low Btu coals would reduce available energy generated at the station.

Ion Carbon offered Tampa Electric coal fines. This is a mine reclamation waste product with extremely high percentages of ash and moisture and only 8,500 Btu/lb. Because of the negative handling and operational characteristics of fines Tampa Electric declined this offer.

Due to the high cost of the current Colorado blend coal and other low sulfur options offered no Polk coal or low sulfur blend coal was purchased at this time. Tampa Electric will explore other options to be evaluated for the Polk blend coal.

**REDACTED**

**TAMPA ELECTRIC COMPANY  
DOCKET NO. 090001-EI  
OPC'S FIRST REQUEST FOR PODS  
FILED: APRIL 6, 2009**

Tampa Electric did not purchase petcoke for Big Bend at this time due to the high comparative cost to coal. Both the Oxbow and Koch Carbon [REDACTED] offers were rejected. For Polk's 2009 requirements Tampa Electric did come to a agreement with Valero Marketing on a one year, 500,000 ton [REDACTED] contract. This is the same petcoke that Polk has been using and the 2009 tons will be the first to be purchased directly from the refinery. Tampa Electric and Valero will utilize [REDACTED].

REDACTED

REDACTED

TAMPA ELECTRIC COMPANY  
DOCKET NO. 090001-EI  
ANNUAL RISK MANAGEMENT REPORT  
PAGE 3 OF 6  
FILED: APRIL 3, 2009

Tampa Electric  
Natural Gas Risk Management Activities

	Type of Hedge	Mark-to-Market Saving/(Loss)	Hedged Volume (MMBTU)	Consumption (MMBTU)	Percent Hedged	Projected Price	Hedge Price	Settle Price
Jan 2008	Swaps	\$ (4,622,710)		4,952,279				\$ 7.17
Feb 2008	Swaps	\$ (2,695,930)		3,531,736				\$ 8.00
Mar 2008	Swaps	\$ 553,250		2,774,327				\$ 8.93
Apr 2008	Swaps	\$ 3,773,800		4,573,838				\$ 9.58
May 2008	Swaps	\$ 13,515,750		6,103,368				\$11.28
Jun 2008	Swaps	\$ 14,327,740		5,873,024				\$11.92
Jul 2008	Swaps	\$ 22,652,300		4,583,176				\$13.11
Aug 2008	Swaps	\$ 143,640		5,651,800				\$ 9.22
Sep 2008	Swaps	\$ (3,935,050)		5,864,216				\$ 8.39
Oct 2008	Swaps	\$ (7,883,100)		3,594,179				\$ 7.47
Nov 2008	Swaps	\$ (9,200,050)		3,791,151				\$ 6.47
Dec 2008	Swaps	\$ (8,482,265)		4,704,138				\$ 6.89
Total		\$ 18,147,375		55,997,232				

Consistent with Tampa Electric's non-speculative risk management plan objective, Tampa Electric's natural gas hedging plan provided price stability and certainty during 2008. The net gain is a combination of large gains during the summer offset by losses during the mild winter at the beginning of 2008 and losses due to low prices during the economic downturn at the end of 2008. The gains during the summer were the result of a dramatic rise in the price of all energy commodities, including natural gas. The losses at the beginning of 2008 were driven primarily by the mild winter of 2007/2008 that allowed natural gas prices to decrease. The losses at the end of 2008 were due to the severe and abrupt economic downturn that reduced demand for natural gas; as a result, the price of natural gas dropped dramatically during the third and fourth quarters of 2008.

To enhance its physical reliability of gas supply, Tampa Electric has increased its natural gas storage capabilities since summer 2005, and in 2008, the company maintained this storage capacity at 225,000 MMBtu. The storage provides Tampa Electric with improved access to "intraday" natural gas when an operational need arises, provides improved hurricane coverage, and can be used to cost-effectively manage swings in gas supply needs during extreme weather conditions, weekends and holidays.

Tampa Electric also continues to improve its physical access to natural gas supply by diversifying its receipt points along the Gulf Coast and other areas when opportunities arise.

TAMPA ELECTRIC COMPANY  
DOCKET NO. 090001-EI  
ANNUAL RISK MANAGEMENT REPORT  
PAGE 5 OF 6  
FILED: APRIL 3, 2009

Tampa Electric  
Coal Contract to Market Indicator Price Comparisons

Supplier (Mine)	Contract (\$ / MMBtu)	Market Indicator (\$ / MMBtu)	Difference	Market Indicator Source	Note
Alliance Coal (Pattiki)		2.42		Bid Solicitation	1
American Energy Corporation		4.81		Coal Daily index, August 1, 2008	2
Arch Coal Company		4.05		Telephone Bid Solicitation	1
City of Lakeland		5.74		Coal Daily index, April 18, 2008	2
Coal Sales (Peabody) Gateway		2.32		Bid Solicitation	1
Coal Sales (Peabody) Arclar		1.94		Bid Solicitation	1
Dodge Hill (No.1 mine)		2.42		Bid Solicitation	1
Dodge Hill (No.1 mine)		3.42		Bid Solicitation	1
Dodge Hill (No.1 mine)		4.42		Bid Solicitation	1
Emerald International (various)		5.22		Coal Daily index, June 20, 2008	2
Emerald International (various)		4.79		Coal Daily index, February 29, 2008	2
Emerald International (various)		5.38		Coal Daily index, August 1, 2008	2
Knight Hawk Coal, LLC (Creek Paum)		2.42		Bid Solicitation	1
Knight Hawk Coal, LLC (Creek Paum)		2.47		Bid Solicitation	1
Oxbow Carbon Minerals, LLC		3.14		Bid Solicitation	1
Oxbow Mining, LLC		3.71		Bid Solicitation	1
Phoenix Coal Corporation		2.48		Bid Solicitation	1
Phoenix Coal Corporation		2.47		Bid Solicitation	1
SMCC Inc.		2.48		Bid Solicitation	1
SMCC Inc.		2.47		Bid Solicitation	1
Williamson Energy, LLC		2.47		Bid Solicitation	1

Notes:

The contract \$/MMBTU refers to the initial price of the contract at its inception. This price could be subject to escalation per the terms of the contract. All prices are determined on a fully delivered basis. Index values have also been calculated on a delivered basis for comparison purposes.

1. The bid solicitation price is the average price submitted of all acceptable coal bids.
2. Coal Daily, Physical Market Assessments.

Natural Gas

Tampa Electric purchases natural gas at prices that are set by published indexes that reflect the market price. Most of the monthly baseload gas is purchased at a price relative to the New York Mercantile Exchange ("NYMEX") natural gas futures last day settlement price. Tampa Electric purchases additional baseload gas at monthly index prices published in *Inside FERC, Gas Market Report*. Tampa Electric uses the indexes representing market prices for natural gas on the Gulf Coast that can be transported to Tampa Electric's service area: Henry Hub, Mobile Bay, or Florida Gas Transmission ("FGT") Zone 1, Zone 2 or Zone 3. For daily and short-term natural gas, Tampa Electric typically purchases natural gas based on the FGT index price published in *Gas Daily*. In rare instances,

**REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION**

Tampa Electric requests that the Confidential Information that is the subject of this request be treated as proprietary confidential business information exempt from the Public Records Law for a minimum of 18 months from the date of the order granting such classification. To the extent the company needs confidential protection of the Confidential Information for a period longer than 18 months, the company's justification therefor is set forth below:

n/a



STATE OF FLORIDA

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

# Public Service Commission

## ACKNOWLEDGEMENT

DATE: April 9, 2009

TO: James D. Beasley, Ausley Law Firm

FROM: Ruth Nettles, Office of Commission Clerk

RE: **Acknowledgement of Receipt of Confidential Filing**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090001 or, if filed in an undocketed matter, concerning Answers to OPC's 1<sup>st</sup> Request for PODs, Nos. 2 and 10- Bates Stamp Pages 30, 32, 33, 34, 81, and 83, and filed on behalf of Tampa Electric Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE  
03148 APR-8 2009  
FPSC-COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850  
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