

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

December 15, 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 DEC 15 PM 3:50
COMMISSION
CLERK

Re: UNDOCKETED: In re: Bureau of Performance Analysis Review of Tampa Electric Company (TECO) Quality Assurance Processes for Distribution Construction Projects

Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven copies of Tampa Electric Company's Request for Confidential Classification and Motion for Temporary Protective Order regarding highlighted portions of audit workpapers pursuant to Staff's Data Request (DR-01) dated October 2, 2009.

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

COM JDB/pp
APA 5 Enclosure

ECR cc: David Rich (w/enc.)

GCL 1

RAD

SSC

ADM

OPC

CLK 1

DOCUMENT NUMBER-DATE

11980 DEC 15 09

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bureau of Performance Analysis)
Review of Tampa Electric Company)
(TECO) Quality Assurance Processes)
for Distribution Construction Projects.)
_____)

UNDOCKETED

FILED: December 15, 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)

Two one-page documents identified as "Conduit Inspections" containing the yellow highlighted name of a contractor. 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 of the public utility or its affiliates to contract for goods or services on favorable terms."

DOCUMENT NUMBER-DATE

11980 DEC 15 8

FPSC-COMMISSION CLERK

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 15th day of December, 2009.

Respectfully submitted,



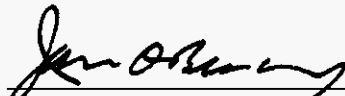
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

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 15th day of December, 2009 to the following:

Mr. David Rich*
Review Manager
Division of Regulatory Compliance
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



ATTORNEY

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED
PORTIONS OF TAMPA ELECTRIC'S DOCUMENTS SELECTED AS AUDIT
WORK PAPERS PURSUANT TO REVIEW OF QUALITY ASSURANCE
PROCESSES FOR DISTRIBUTION CONSTRUCTION PROJECTS
DOCUMENT REQUEST (DR-01) DATED OCTOBER 2, 2009**

<u>Work Papers</u>	<u>Detailed Description</u>	<u>No. of Pages</u>	<u>Rationale</u>
Conduit Inspections	Highlighted Information	2	(1)

-
- (1) The information in question discloses the identity of a contractor performing work for Tampa Electric. Tampa Electric maintains the confidentiality of the identity of contractors who do work with the company. Disclosure of the identity of contractors would provide valuable information to other contractors who may know the bidding and pricing strategies of the contractor doing work for Tampa Electric. Having this knowledge could enable other contractors to structure their bids and offers at a level higher than they might have bid had they not had the information as to which contractor had successfully bid on work for the company. As such, the information in question is confidential, proprietary business information, the public disclosure of which could harm Tampa Electric's ability to contract for goods and services on favorable terms. As such, the information is entitled to protection under Section 366.093, Florida Statutes, and Commission 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 _____

Exhibit "B"

DOCUMENT NUMBER-DATE

11980 DEC 15 8

FPSC-COMMISSION CLERK

(9/16)

Conduit inspections

Contractor	[REDACTED]
Date Ready to Contractor	08/12/09
Date Started	08/18/09
Committment Date	08/21/09
Job Name	OutBack Steakhouse
Work Request	998659
FERC No.	570-A2110-03-697
Location	5300 Terrain De Golf
Date Completed	09/02/09
Inspector	Mortensen
Date	09/03/09

Machine Trench	<input type="checkbox"/>
Hand Dig	<input type="checkbox"/>
Missile/Bore	<input type="checkbox"/>
Mule Tape	<input type="checkbox"/>
Wellpoint	<input type="checkbox"/>
Pull Box	<input type="checkbox"/>
Switch Pit	<input type="checkbox"/>
Manholes	<input type="checkbox"/>
Handhole	<input type="checkbox"/>
Pad Prep	<input type="checkbox"/>
Install 2" Conduit	10
Install 3" Conduit	<input type="checkbox"/>

Install 4" Conduit	<input type="checkbox"/>
Install 6" Conduit	<input type="checkbox"/>
Directional Bore 2"	167
Directional Bore 3"	<input type="checkbox"/>
Directional Bore 4"	<input type="checkbox"/>
Directional Bore 6"	<input type="checkbox"/>
Add'l Dir. Bore Ft	<input type="checkbox"/>
Add'l Dir. Bore Size	<input type="checkbox"/>
New Sod	33
Seed and Mulch	<input type="checkbox"/>
Rem Asphalt	<input type="checkbox"/>
Install Asphalt	<input type="checkbox"/>


Lime Rock Base	<input type="checkbox"/>
Gravel	<input type="checkbox"/>
Rem Concrete	<input type="checkbox"/>
Install Concrete	<input type="checkbox"/>
Working Forman	2
Labor	4
Truck	2
Compressor	2
Other	<input type="checkbox"/>
Backhoe	<input type="checkbox"/>
Q-Saw	<input type="checkbox"/>
Pump	<input type="checkbox"/>

Comments: Attempt to repair conduit. Had to bore. Returned for sod.

CFI populates

Conduit Inspections

Type of Work	Conduit
Engineer	M/JT
Received from Eng	
Status	X
Contractor	
Date Ready to Contractor	09/01/09
Date Started	09/09/09
Assignment Date	09/11/09
Job Name	Flatiron Tidewater
Work Request	943407
FERC No.	570-A1101-01-697
Location	Courtney Campbell Causeway
Date Completed	09/09/09
Inspector	Mortensen
Date	09/10/09

Print 

New Record 

Inspection: Safety and Quality

Safety	Fail
Safety Comments	Had to be told to wear hard hats. Working in ditch.
Quality	Fail
Quality Comments	Came to site with out proper material. Had to go to Eastern to pick up manhole collars that were ordered 3 weeks pryer to starting work.

Conduit inspections

(9/16)

Contractor	[REDACTED]
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Date Started	08/18/09
Committment Date	08/21/09
Job Name	OutBack Steakhouse
Work Request	998659
FERC No.	570-A2110-03-697
Location	5300 Terrain De Golf
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Backhoe	<input type="checkbox"/>
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Comments: Attempt to repair conduit. Had to bore. Returned for sod.

CFI populates

Conduit Inspections

Type of Work	Conduit
Engineer	M/JT
Received from Eng	
Status	X
Contractor	
Date Ready to Contractor	09/01/09
Date Started	09/09/09
Installation Date	09/11/09
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Quality	Fail
Quality Comments	Came to site with out proper material. Had to go to Eastern to pick up manhole collars that were ordered 3 weeks pryer to starting work.

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

Exhibit "C"

DOCUMENT NUMBER-DATE

11980 DEC 15 8

FPSC-COMMISSION CLERK

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

STATE OF FLORIDA



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

Public Service Commission

ACKNOWLEDGEMENT

DATE: December 15, 2009

TO: James D. Beasley, Esquire - Ausley & McMullen

FROM: Marguerite H. Mclean, Office of Commission Clerk

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

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number undocketed or, if filed in an undocketed matter, concerning highlighted portions of audit workpapers ["Conduit Inspections"] pursuant to staff's data request (DR-01), dated 10/2/09., 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.

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