

ORIGINAL

REDACTED

May 30, 2013

BY FED-EX DELIVERY

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

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

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RECEIVED-FPSC
13 MAY 30 PM 1:06
COMMISSION
CLERK

Re: *Petition for Rate Increase by Tampa Electric Company
FPSC Docket No. 130040-EI*

Dear Ms. Cole:

Enclosed for filing in the captioned docket are the original and fifteen (15) copies of the WCF Hospital Utility Alliance's Request for Confidential Classification and Motion for Temporary Protective Order pertaining to the information contained in the Confidential Version of Exhibit A of the WCF Hospital Utility Alliance's Supplement to Petition to Intervene filed separately this same day.

Please acknowledge receipt and filing of the above by stamping the duplicate copy contained herein and returning same in the pre-paid envelope also enclosed. To the extent you require anything further, please feel free to contact the undersigned.

Very truly yours,



Kenneth L. Wiseman

COM _____
AFD _____
APA _____
ECO _____
ENG _____ Enclosures
GCL _____
IDM _____ cc: All Parties of Record
TEL _____
CLK _____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition for rate increase by Tampa
Electric Company**

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Docket No.: 130040-EI

Dated: May 30, 2013

**THE WCF HOSPITAL UTILITY ALLIANCE'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR TEMPORARY PROTECTIVE ORDER
REGARDING EXHIBIT A OF THE WCF HOSPITAL UTILITY ALLIANCE'S
SUPPLEMENT TO PETITION TO INTERVENE**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the WCF Hospital Utility Alliance (“HUA”) hereby requests confidential classification of the yellow highlighted information contained in the Confidential Version of Exhibit A of the WCF Hospital Utility Alliance’s Supplement to Petition to Intervene and stamped “CONFIDENTIAL” (the “Confidential Information”).

Description of Exhibit A of Supplement to Petition to Intervene

On May 30, 2013, HUA filed a Supplement to Petition to Intervene (“Supplement”), which included as Exhibit A of the Supplement a list identifying the individual members of HUA. However, because this information is confidential, the Supplement included only a Public Version of Exhibit A. In order to provide this information on a confidential basis, HUA also separately filed a Confidential Version of Exhibit A. In support of its request for confidential classification, HUA states as follows:

1. Subsection 366.093(1), Florida Statutes, provides that “any records received by the commission which are shown and found by the commission to be proprietary 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].” Subsection 366.093(3) provides

that “[p]roprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to . . . the person’s or company’s business operations, and has not been disclosed” Under subsection 366.093(3)(e), proprietary confidential business information includes “[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business provider of the information.” In this instance, disclosure of the Confidential Information that is the subject of this filing could cause competitive harm, and as such, falls within a statutory category that is entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

2. Attached hereto as Exhibit A is justification for the confidential treatment of the Confidential Information contained in Exhibit A of the Supplement.

3. Attached hereto as Exhibit B is a notice indicating that HUA has previously filed a public version of Exhibit A of the Supplement with the Confidential Information redacted.

4. The Confidential Information contained in Exhibit A of the Supplement is intended to be and is treated by HUA as private and has not been publicly disclosed.

5. For the same reasons set forth herein in support of its request for confidential classification, HUA 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. HUA 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. This request is set forth in Exhibit C, attached hereto.

WHEREFORE, the WCF Hospital Utility Alliance 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. HUA 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.

Respectfully submitted,



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Qualified Representatives for the WCF Hospital Utility Alliance

May 30, 2013

CERTIFICATE OF SERVICE
DOCKET NO. 130040-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic mail, U.S. Mail, or Federal Express, this 30th day of May, 2013, to the following:

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Kenneth L. Wiseman

EXHIBIT A

**JUSTIFICATION FOR CONFIDENTIAL TREATMENT
OF THE HIGHLIGHTED PORTIONS OF
EXHIBIT A OF THE WCF HOSPITAL UTILITY ALLIANCE'S
SUPPLEMENT TO PETITION TO INTERVENE
(FILED MAY 30, 2013)**

<u>Document</u>	<u>Detailed Description</u>	<u>Rationale</u>
Exhibit A of the WCF Hospital Utility Alliance's Supplement to Petition to Intervene	List of the Members of the WCF Hospital Utility Alliance	(1)

(1) The information contained in Exhibit A of the WCF Hospital Utility Alliance's Supplement to Petition to Intervene reveals the identity of the members of the WCF Hospital Utility Alliance ("HUA"). This information has not been publicly disclosed. Public disclosure of this information could cause harm the competitive interests of the members of HUA. Because public disclosure of the information could adversely affect the competitive interests of HUA, the information is entitled to confidential treatment pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

The Confidential Information at issue is the list that identifies the members of HUA. Disclosure of the membership list could cause competitive harm and impair the business of the members of HUA. In this regard, HUA is made up of certain hospitals that are served by Tampa Electric Company. While all members of HUA are ratepayers on the Tampa Electric Company system, not all hospitals within Tampa Electric Company's service territory are members of HUA. Tampa Electric Company's service territory is geographically very small. To the extent ratepayers in Tampa Electric Company's service territory taking service under rate schedules

other than those under which HUA's members are served think that HUA is taking positions that are adverse to their own interests, even if such a belief is incorrect, this could impact the ratepayers decisions to utilize the services of the hospitals that are members of HUA if the membership list were to become public. Therefore, disclosure of the Confidential Information that is the subject of this filing could cause competitive harm, and as such, falls squarely within a statutory category that is entitled to protection under Section 366.093 of the Florida Statutes.

EXHIBIT B

**PUBLIC VERSION OF EXHIBIT A OF THE
WCF HOSPITAL UTILITY ALLIANCE'S
SUPPLEMENT TO PETITION TO INTERVENE**

Public Versions of Exhibit A of the Supplement to Petition to Intervene are not being supplied in the instant filing because the redacted document was previously filed on May 30, 2013 as part of the WCF Hospital Utility Alliance's Supplement to Petition to Intervene.

EXHIBIT C

REQUESTED DURATION OF CONFIDENTIAL CLASSIFICATION

The WCF Hospital Utility Alliance 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.