

# AUSLEY McMULLEN

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July 31, 2019  
HAND DELIVERED

Mr. Adam J. Teitzman, Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED-FPSC  
2019 JUL 31 AM 11:09  
COMMISSION  
CLERK

Re: Fuel and Purchased Power Cost Recovery Clause and Generating Performance  
Incentive Factor FPSC Docket No. 20190001-EI

Dear Mr. Teitzman:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Request for Specified Confidential Treatment and Motion for Temporary Protective Order relating to portions of Forms 423-2, 423-2(a) and 423-2(b) for the months of March 2019 and May 2019.

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/ne  
Enclosures

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

COM \_\_\_\_\_  
AFD 2  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL 1  
IDM \_\_\_\_\_  
CLK \_\_\_\_\_

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20190001-EI

FILED: July 31, 2019

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

Pursuant to §366.093, Fla. Stat., Tampa Electric Company ("Tampa Electric" or "the company") submits the following Request for Specified Confidential Treatment and Motion for Temporary Protective Order relating to the company's Forms 423-2, 423-2(a) and 423-2(b) for the months of March 2019 and May 2019:

1. Attached hereto is a detailed Justification for the requested confidential treatment of the highlighted portions of Tampa Electric's 423 Forms for each of the months of March 2019 and May 2019:
2. Tampa Electric requests that the information for which Tampa Electric seeks confidential classification not be declassified until 24 months after the issuance of the Commission Order disposing of this quarterly request. This time period is necessary to allow Tampa Electric to negotiate future contracts without its competitors (and other Customers) having access to information which would adversely affect the ability of Tampa Electric to negotiate future contracts. The period of time requested will ultimately protect Tampa Electric and its Customers.
3. The material for which classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

WHEREFORE, Tampa Electric submits this quarterly Request for Confidential Treatment and Motion for Temporary Protective Order relating to the information contained in the attached Justification.

DATED this 31st day of July, 2019.

Respectfully submitted,



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JAMES D. BEASLEY  
J. JEFFRY WAHLEN  
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Ausley McMullen  
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(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Request for Specified Confidential Treatment and Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been furnished by hand delivery or electronic mail on this 31st day of July, 2019 to the following:

Ms. Suzanne Brownless  
Office of the General Counsel  
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Pensacola FL 32520  
[russell.badders@nexteraenergy.com](mailto:russell.badders@nexteraenergy.com)

WHEREFORE, Tampa Electric submits this quarterly Request for Confidential Treatment and Motion for Temporary Protective Order relating to the information contained in the attached Justification.

DATED this 31st day of July, 2019.

Respectfully submitted,



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JAMES D. BEASLEY  
J. JEFFRY WAHLEN  
MALCOLM N. MEANS  
Ausley McMullen  
Post Office Box 391  
Tallahassee, Florida 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**Request for Specified Confidential Treatment**  
**Justification for March 2019 and May 2019**

Docket No. 20190001-EI

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<b>FORM 423-2</b>		
<b>Plant Name/Lines</b>	<b>Column</b>	<b>Justification</b>
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	G	(11) Disclosure of the effective purchase price “would impair the efforts of Tampa Electric to contract for goods or services on favorable terms.” Section 366.093(3)(d), Fla Stat. Additionally, prohibiting the purchase price would enable one to ascertain the total transportation charges by subtracting the effective price from the delivered price at the transfer facility, shown in Column I. Any competitor with knowledge of the total transportation charges would be able to use that information in conjunction with the published delivered price at the United Bulk Terminal Transfer Facility to determine the segmented transportation costs, i.e., the separate breakdown of transportation charges for river barge transport and for deep water transportation across the Gulf of Mexico from the transfer facility to Tampa. It is this segmented transportation cost data which is proprietary and confidential. The disclosure of the segmented transportation costs would have a direct impact on Tampa Electric's future fuel and transportation contracts by informing potential bidders of current prices paid for services provided. That harm, which would flow to Tampa Electric and its Customers from such disclosure, was the subject of Prepared Direct Testimony of Mr. John R. Rowe, Jr. on behalf of Tampa Electric from September 29, 1986, in Docket No. 860001-EI-D (“Rowe Testimony”).

In the Commission's Order No. 12645 issued in Docket No. 830001-EU on November 3, 1983 (In re: Investigation of Fuel Adjustment Clauses of Electric Utilities), the Commission prescribed the current 423 Form filings. In so doing, the Commission observed:

Next, we must determine whether any portion of the monthly reports should be accorded confidential treatment. We agree that certain portions of the confidential information. However, many portions of the monthly reports will not. The proprietary information for all types of fuel is transportation.

**Request for Specified Confidential Treatment**  
**Justification for March 2019 and May 2019**

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**FORM 423-2**

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**Plant Name/Lines**

**Column Justification**

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Any breakout of transportation costs must be treated confidentially. In addition, F.O.B. mine prices for coal is proprietary in nature as is the price of fuel oil. Disclosure of separate transportation or F.O.B. mine prices would have a direct impact on a utility's future fuel and transportation contracts by informing potential bidders of current prices paid for services. Disclosure of fuel oil prices would have an indirect effect upon bidding suppliers. Suppliers would be reluctant to provide significant price concessions to an individual utility if prices were disclosed because other purchasers would seek similar concessions.

The vigorous competition discussed in Mr. Rowe's earlier testimony, as recognized by the Commission, justifies proprietary confidential treatment of the information in Column G.

Disclosure of this information "would impair the efforts of Tampa Electric to contract for goods and services on favorable terms." Section 366.093(3)(d), Fla. Stat. This information would inform other potential suppliers as to the price Tampa Electric is willing to pay for coal. This would give present and potential coal suppliers information which could be harmful to Tampa Electric's interests in negotiating coal supply agreements. This is much the same as paragraph (1) under Form 423-1(a) regarding No. 2 oil suppliers.

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**FORM 423-2**

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<b>Plant Name/Lines</b>	<b>Column</b>	<b>Justification</b>
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	H	(12) The disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. As was stated in (1), Columns G and H both need confidential protection because disclosure of either column will enable competitors to determine the segmented transportation charges. Accordingly, the same reasons discussed in (1) likewise apply with regard to Column H.

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**Request for Specified Confidential Treatment**  
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<b>FORM 423-2(a)</b>		
<b>Plant Name/Lines</b>	<b>Column</b>	<b>Justification</b>
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	G	(13) This column discloses the value of shorthaul and loading charges on a \$/Ton basis, which is a negotiated price the disclosure of which would adversely impact Tampa Electric in future negotiations for this component of the overall price, which, in turn, would adversely impact Tampa Electric's customers.
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	H	(14) If the original invoice price is made public, one can subtract the original invoice price from the publicly disclosed delivered price at the United Bulk Terminal Transfer Facility and thereby determine the segmented river transportation cost. Disclosure of the river transportation cost "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station). <i>See also</i> Rowe Testimony.

**Request for Specified Confidential Treatment**  
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**FORM 423-2(a)**

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<b>Plant Name/Lines</b>	<b>Column</b>	<b>Justification</b>
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	J	(15) This information, like that contained in Column H, would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed delivered price at the United Bulk Terminal Transfer Facility. This would be done by subtracting the base price per ton from the delivered price at United Bulk Terminal, thereby revealing the river barge rate. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station). <i>See also</i> Rowe Testimony
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	L	(16) This information, if publicly disclosed, would enable a competitor to back into the segmented waterborne transportation costs using the already publicly disclosed delivered price of coal at the United Bulk Terminal Transfer Facility. Such disclosure "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Additional justification appears in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station). <i>See also</i> Rowe Testimony

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**Justification for March 2019 and May 2019**

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<b>FORM 423-2(b)</b>		
<b>Plant Name/Lines</b>	<b>Column</b>	<b>Justification</b>
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	G	(17) Disclosure of the effective purchase price in Column G "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Such disclosure would enable a competitor to "back into" the segmented transportation cost using the publicly disclosed delivered price for coal at the United Bulk Terminal Transfer Facility. This would be done by subtracting the effective purchase price per ton from the price per ton delivered at United Bulk Terminal, thereby revealing the river barge rate. Additional justification appears in paragraph (1) of the rationale for confidentiality of Column G of Form 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station). <i>See also</i> Rowe Testimony. Such disclosure would also adversely affect Tampa Electric's ability to negotiate future coal supply contracts.
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	H	(18) This column discloses the value of additional shorthaul and loading charges on a \$/Ton basis, which is a negotiated price the disclosure of which would adversely impact Tampa Electric in future negotiations for this component of the overall price, which, in turn, would adversely impact Tampa Electric's customers.

**Request for Specified Confidential Treatment**  
**Justification for March 2019 and May 2019**

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<b>FORM 423-2(b)</b>		
<b>Plant Name/Lines</b>	<b>Column</b>	<b>Justification</b>
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	I	(19) Disclosure of the rail rate per ton would adversely affect the ability of Tampa Electric to negotiate favorable rail rates. Disclosure of the rail rates paid would effectively eliminate any negotiating leverage and could lead to higher rail rates. This would work to the ultimate detriment of Tampa Electric and its customers. Accordingly, disclosure of this information "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat.
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	J	(20) This column discloses the value of other rail charges on a \$/Ton basis, which is a negotiated price the disclosure of which would adversely impact Tampa Electric in future negotiations for this component of the overall price, which, in turn, would adversely impact Tampa Electric's customers.

**Request for Specified Confidential Treatment**  
**Justification for March 2019 and May 2019**

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<b>FORM 423-2(b)</b>		
<b>Plant Name/Lines</b>	<b>Column</b>	<b>Justification</b>
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	K	(21) These columns contained information the disclosure of which "would impair the efforts of Tampa Electric to contract for goods or services on favorable terms." Section 366.093(3)(d), Fla. Stat. Each of these columns provides specific information on segmented transportation costs which are the primary objects of this request. Additional justification appears in paragraph (1) of the rationale for confidentiality for Column G on 423-2 (United Bulk Terminal Transfer Facility - Big Bend Station). <i>See also</i> Rowe Testimony
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	L	(22) See item (21) above.

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<b>FORM 423-2(b)</b>		
<b>Plant Name/Lines</b>	<b>Column</b>	<b>Justification</b>
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	M	(23) See item (21) above.
<b>United Bulk Terminal</b> <b>Big Bend Station</b> none March none May <b>Big Bend Station</b> 1 March 1 May <b>United Bulk Terminal</b> <b>Transfer Facility Polk Station</b> none March none May <b>Polk Station</b> none March none May	N	(24) See item (21) above.

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<b>FORM 423-2(b)</b>		
<b>Plant Name/Lines</b>	<b>Column</b>	<b>Justification</b>
<b>United Bulk Terminal</b>	O	(25) See item (21) above.
<b>Big Bend Station</b>		
none March		
none May		
<b>Big Bend Station</b>		
1 March		
1 May		
<b>United Bulk Terminal</b>		
<b>Transfer Facility Polk Station</b>		
none March		
none May		
<b>Polk Station</b>		
none March		
none May		
<hr/>		
<b>United Bulk Terminal</b>	P	(26) See item (21) above.
<b>Big Bend Station</b>		
none March		
none May		
<b>Big Bend Station</b>		
1 March		
1 May		
<b>United Bulk Terminal</b>		
<b>Transfer Facility Polk Station</b>		
none March		
none May		
<b>Polk Station</b>		
none March		
none May		