

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for violation of Sections 366.03, 366.06(2), and 366.07, F.S., with respect to rates offered under commercial/industrial service rider tariff; petition to examine and inspect confidential information; and request for expedited relief.

DOCKET NO. 000061-EI
ORDER NO. PSC-01-2253-CFO-EI
ISSUED: November 16, 2001

ORDER GRANTING IN PART AND DENYING IN PART REQUESTS FOR
CONFIDENTIAL CLASSIFICATION OF DOCUMENTS 05481-01, 05482-01,
05483-01, 05484-01, 05694-01, AND 05761-01, AND GRANTING REQUESTS
FOR CONFIDENTIAL CLASSIFICATION OF
DOCUMENTS 05693-01 AND 05820-01

On January 20, 2000, Allied Universal Corporation and Chemical Formulators, Inc. (Allied) filed a formal complaint against Tampa Electric Company (TECO). The complaint alleged that: 1) TECO violated Sections 366.03, 366.06(2), and 366.07, Florida Statutes, by offering discriminatory rates under its Commercial/Industrial Service Rider (CISR) tariff; and, 2) TECO breached its obligation of good faith under Order No. PSC-98-1081A-FOF-EI. Odyssey Manufacturing Company (Odyssey) and Sentry Industries (Sentry) intervened. They are separate companies but have the same president. Allied, Odyssey and Sentry manufacture bleach.

Background

By Order No. PSC-01-1003-AS-EI issued on April 3, 2001, the Commission approved a Settlement Agreement that resolved all issues in this docket. Part of the Settlement Agreement required that an evidentiary record containing specified documents be created. The Settlement Agreement required that all prefiled testimony, all depositions, and all discovery responses provided by Tampa Electric Company would be admitted as evidence in this docket. Because those documents contained information that could potentially be

DOCUMENT NUMBER-DATE

14571 NOV 16 2001

FPSC-COMMISSION CLERK

confidential, the parties were required to submit requests for confidential classification of any such information. Consistent with Rule 25-22.006, Florida Administrative Code, all parties were given the opportunity to respond to or supplement any requests for confidential treatment.

This Order addresses the confidentiality of some of the documents that are part of the evidentiary record, specifically the deposition transcripts of: 1) Allied's witnesses Robert Namoff, James Palmer, Peter DeAngelis, and Charles Phillips; 2) Odyssey's witnesses Steven Sidelko and Pamela Winters; and, 3) Odyssey employee, and former TECO employee Patrick Allman.

On May 1, 2001, Allied requested confidential classification of the information contained in the deposition transcripts of Allied witnesses Namoff, Palmer, DeAngelis, and Phillips. Attachment A of Allied's confidentiality request lists the pages and lines of each transcript for which Allied seeks confidential classification. On Attachment A Allied designated three categories of confidential information. Category 1 is information concerning negotiations between TECO and Allied, or TECO and Odyssey/Sentry for discounted rates under the CISR tariff. Category 2 is proprietary business information of Allied that relates to building a new manufacturing facility. Category 3 is information concerning work performed by Mr. DeAngelis, on a confidential basis, involving siting, construction and operation of a new manufacturing facility. Allied claims that this information has been treated as confidential by the parties, has not been publically disclosed, and that granting confidentiality is consistent with Section 366.093, Florida Statutes, and other orders issued in this proceeding.

On May 4, 2001, TECO filed a Supplemental Request for Confidential Classification of Deposition Transcripts and Exhibits of Sidelko and Allman. TECO claims that portions of the transcripts require confidential classification in order to protect its ratepayers and avoid disclosure of confidential information in the contract service agreement with Odyssey. Attachment B provides line-by-line justifications explaining why specific information is entitled to confidential classification pursuant to Section 366.093, Florida Statutes.

On May 7, 2001, TECO filed a Supplemental Request for Confidential Classification of Deposition Transcript Pages 105 through 107 of Witness Robert Namoff. TECO states that it has reviewed Allied witness Namoff's deposition transcript, and has determined that additional portions of the transcript are in need of confidential classification. Attachment C provides line-by-line justifications explaining why specific information is entitled to confidential classification pursuant to Section 366.093, Florida Statutes.

On May 8, 2001, TECO filed a Supplemental Request for Confidential Classification of Deposition Transcript of Witness Winters. TECO claims that portions of the transcript require confidential classification in order to protect its ratepayers and avoid disclosure of confidential information in the contract service agreement with Odyssey. Attachment D provides line-by-line justifications explaining why specific information is entitled to confidential classification pursuant to Section 366.093, Florida Statutes.

Legal Standard

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the Company's burden to demonstrate that the documents fall into a statutory exemption or that the information is proprietary confidential business information, the disclosure of which will cause the Company or its ratepayers harm.

Section 366.093, Florida Statutes, defines "proprietary confidential business information" as:

[I]nformation, 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 ratepayers or the person's or company's

business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Analysis

Document No. 05481-00, Deposition transcript of Robert Namoff.

Allied's confidentiality request for Document No. 05481-01 shall be granted, except for the following pages and lines:

Page	Lines
8	17-25
9	1-15,21-25
11	1-25, grant confidentiality only for numerical values on lines 11, 18, 24
12	1-25, grant confidentiality only for numerical values on lines 9 and 15
13	1-24, grant confidentiality only for numerical values on lines 7, 13, 17, and 21
17	20-25, grant confidentiality only for numerical value on line 23
18	1-13, grant confidentiality only for numerical values on lines 4 and 8; 19-25
19	1-18, grant confidentiality only for numerical values on lines 1 and 9
20	1 (starting after period)- 10, 20-25
21	1-25
22	2-6
35	20-25
36	10-17

37	4-22, 24-25, grant confidentiality only for numerical value on line 25
38	1-13
68	17-21, 24-25
69	1-9, 12 (starting at the period) - 25
70	1-2
116	24-25
117	1-16
121	3-8, 10-12, 24-25
122	1-9, 11, 16-21
126	12-18, 24-25
127	1-13, 15-17, 20-25
128	21-24, 14-16
129	7-25
130	1-25
131	1-19, 24-25
132	1-5, 8-20, 25
191	2-8, 12-25
192	1-25
193	1-2
260	7-10

Contrary to Allied's assertions, the above referenced pages and lines do not concern negotiations between TECO and Allied, or between TECO and Odyssey, and do not involve confidential information. The remaining portions of the Request meet the criteria of Section 366.093, Florida Statutes, and shall be granted confidential classification.

Document No. 05482-01, Deposition Testimony of James W. Palmer.

Allied's confidentiality request for Document No. 05482-01 shall be granted, except for the following pages and lines:

Page	Lines
38	23-24
39	4-15
40	14-17, 20-22
41	3-11, 20-25
42	1-15
43	3-15
44	9-25
45	1-25
46	1-11, 14-25
47	1-2, 5-9, 12-22
48	2-6, 23-25
49	1-19, 22-25
50	1-5, 7-8, 12, 21
51	6-17, 22-25
52	1-6
57	1-13

Contrary to Allied's assertions, the above referenced pages and lines do not concern negotiations between TECO and Allied, or between TECO and Odyssey, and do not involve confidential information. The remaining portions of the Request meet the criteria of Section 366.093, Florida Statutes, and shall be granted confidential classification.

Document No. 05483-01, Deposition Testimony of Peter DeAngelis.

Allied's confidentiality request for Document No. 05483-01 shall be granted for the following pages and lines: the numerical value on line 14 of page 49; the numerical values on lines 9, 10 and 11 of page 123; the first two words on line 12 of page 123; and, the numerical value on line 4 of page 133. These passages meet the criteria of Section 366.093, Florida Statutes. The remaining parts of the request shall be denied because they do not contain business information involving Allied's plans to build a plant or work performed by Mr. DeAngelis involving siting, construction, and operation of a plant, and do not involve confidential information.

Document No. 05484-01, Deposition Testimony of Charles Phillips, Jr.

Allied's confidentiality request for Document No. 05484-01 shall be granted, except for the following pages and lines:

Page	Lines
6	9, 12-15, 18-25
7	1-2, 4-9, 13-20, 25
8	1-20, 22-25, grant confidentiality only for numerical values on lines 9, 10, 12, 13, 16, 19, and 20
9	3-25
10	1-22, 24-25, grant confidentiality only for numerical values on lines 3, 10, and 18
11	1-25, grant confidentiality only for numerical values on lines 3, 4, and 5
12	1-13, 16-19, 24-25, grant confidentiality only for numerical values on lines 8, 9, 10, 11, and 17
13	7-9, 11-25
14	2, 5, 10-18, 22-23
16	17-23

38	11-22
39	9-18, 21-25
40	6-13, 16-18
41	1-4, 22-25
42	4-5
61	1-14

Contrary to Allied's assertions, the lines and pages listed above do not reveal information regarding TECO's negotiations with Allied and Odyssey, and do not involve confidential information. The remaining portions of the Request meet the criteria of Section 366.093, Florida Statutes, and shall be granted confidential classification.

Document No. 05693-01, Deposition Transcript of Stephen Sidelko.

TECO's confidentiality request for Document No. 05693-01 shall be granted. The information subject to the Request meets the criteria of Section 366.093, Florida Statutes.

Document No. 05694-01, Deposition Transcript of Patrick Allman.

TECO's confidentiality request for Document No. 05694-01 shall be granted, except for the following pages and lines:

Page	Lines	Justification
149	6-14, 16-25	General information about TECO's interruptible customers
150	7-13, 21-25	General information about TECO's interruptible customers
151	6	Numerical value is public information
151	3-7, 10- 11, 13- 14, 23	General information about TECO's interruptible customers

152	21-25	General information about other utilities' rate schedules
153	4-5	General information about TECO's interruptible customers

The above listed passages do not involve confidential information. The remaining portions of the Request meet the criteria of Section 366.093, Florida Statutes, and shall be granted confidential classification.

Document No. 05820-01, Deposition Transcript of Pamela Winters.

TECO's confidentiality request for Document No. 05820-01 shall be granted. All requested passages meet the criteria of Section 366.093, Florida Statutes.

Document No. 05761-01, Deposition Transcript of Robert Namoff.

TECO requested confidentiality for lines 21-25 at page 105, lines 1-25 at page 106, and lines 1-7 at page 107. TECO states that this information discloses negotiated terms and conditions of the Odyssey or Allied CSA.

TECO's confidentiality request for Document No. 05761-01 shall be granted only for the following pages and lines: line 24 at page 105, lines 8-10 and lines 19-25 at page 106, and the first two words on line 3 at page 107. This information specifically addresses Allied's negotiations with TECO and an alternative power provider, and meets the criteria of Section 366.093, Florida Statutes. The remaining pages and lines do not disclose any negotiated terms or conditions of the Odyssey or Allied CSA and do therefore not qualify as proprietary business information.

Based on the foregoing, it is

ORDERED by Chairman E. Leon Jacobs, Jr. as Prehearing Officer, that the Request for Confidential Classification filed by Allied Universal Corp. on May 1, 2001, is granted in part and denied in part as described in the body of this Order. It is further

ORDER NO. PSC-01-2253-CFO-EI
DOCKET NO. 000061-EI
PAGE 10

ORDERED that the Supplemental Request for Confidential Classification of Deposition Transcript of Witness Sidelko and Allman filed by Tampa Electric Company on May 4, 2001, is granted in part and denied in part as described in the body of this Order. It is further

ORDERED that the Supplemental Request for Confidential Classification of Deposition Transcript Witness Winters filed by Tampa Electric Company on May 8, 2001, is granted in part and denied in part as described in the body of this Order. It is further

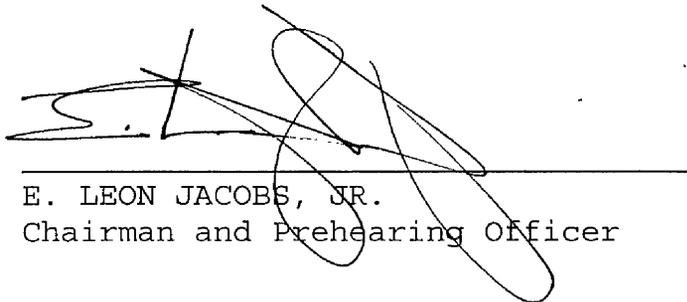
ORDERED that the Supplemental Request for Confidential Classification of Deposition Transcript Pages 105 through 107 of Witness Namoff filed by Tampa Electric Company on May 7, 2001, is granted in part and denied in part as described in the body of this Order. It is further

ORDERED that pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the material specified herein shall expire eighteen months from the date of the issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 366.093, Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

ORDER NO. PSC-01-2253-CFO-EI
DOCKET NO. 000061-EI
PAGE 11

By ORDER of Chairman E. Leon Jacobs, Jr. as Prehearing Officer, this 16th day of November, 2001.



E. LEON JACOBS, JR.
Chairman and Prehearing Officer

(S E A L)

MKS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the

ORDER NO. PSC-01-2253-CFO-EI
DOCKET NO. 000061-EI
PAGE 12

Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

ATTACHMENT A
Allied's Request for Confidential Classification

From Page : Line	To Page : Line	Justification
15:8	15:10	1
17:20	22:6	1
23:15	24:6	1
31:18	31:24	1
32:9	33:6	1
35:20	36:17	1
37:4	38:13	1
68:17	70:2	1
74:10	74:14	2
75:1	75:5	2
106:2	106:7	1
Conf.vol.6:23	8:16	1
Conf.vol.8:17	13:24	1
116:24	117:16	1
121:3	122:21	1
123:5	124:25	1
126:12	133:12	1
168:13	169:24	2
173:12	174:3	1
175:9	175:17	1
187:16	187:20	1

ATTACHMENT A
DOCKET NO. 000061-EI
DEPOSITION TESTIMONY OF ROBERT M. NAMOFF

From Page : Line	To Page : Line	Justification
188:9	188:11	1
189:17	190:1	1
190:14	193:2	1
209:3	209:9	2
259:10	261:7	2,3
261:17	262:8	2
264:3	264:22	2
271:6	271:12	2
272:11	272:20	2
274:7	274:10	2
278:13	278:20	2
281:5	281:8	2
281:14	282:21	2
286:12	286:19	2

ORDER NO. PSC-01-2253-CFO-EI
DOCKET NO. 000061-EI
PAGE 15

ATTACHMENT A
DOCKET NO. 000061-EI
DEPOSITION TESTIMONY OF JAMES W. PALMER

From Page : Line	To Page : Line	Justification
38:23	43:15	1
44:9	52:9	1
56:15	57:13	1
58:8	58:22	1

ATTACHMENT A
DOCKET NO. 000061-EI
DEPOSITION TESTIMONY OF PETER DEANGELIS

From Page : Line	To Page : Line	Justification
34:24	54:5	3
83:15	86:6	3
91:3	93:1	
119:11	134:24	2,3
137:8	138:4	2,3
140:2	140:18	2,3
Exhibit 2		2,3
Exhibit 3		2,3

ATTACHMENT A
DOCKET NO. 000061-EI
DEPOSITION TESTIMONY OF CHARLES F. PHILLIPS, JR.

From Page : Line	To Page : Line	Justification
6:9	11:15	1
11:20	12:19	1
12:24	15:4	1
16:15	16:23	1
31:5	33:10	1
37:21	37:21	1
38:5	43:10	1
49:10	49:10	1
50:18	50:19	1
55:4	55:12	1
60:7	62:13	1
62:22	63:18	1
Exhibit 1		1

ATTACHMENT B
 TECO's Supplemental Request for Confidential
 Classification (Sidelko & Allman)

SCANNED

Justification for Confidentiality of Portions of the Deposition Transcript
 and, as Applicable, Deposition Exhibits of Stephen W. Sidelko

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
16	16	Numeric value	(1)
17	3	Numeric value	(1)
17	8	Numeric value	(1)
17	18	Numeric value	(1)
19	3	Numeric value	(1)
19	5	Numeric value	(1)
19	13	Numeric value	(1)
22	20	Numeric value	(1)
22	21	Numeric value and references	(1)
37	4	Numeric value	(1)
37	7	Numeric value	(1)
37	24	All text following "be"	(1)
37	25	All text preceding "and"	(1), (4)
38	3	Numeric value	(1)
38	10	Numeric value	(1)
43	8	Numeric value	(1)
43	12	Numeric value	(1)
44	9-10	All	(1), (4)
45	3	All text following "discuss"	(1), (4)
45	4-5	All	(1), (4)
67	4-8	All	(1), (4)
68	22	Numeric value	(1)
69	3	Numeric value	(1)
70	12	All text following "tha"	(1), (4)
70	13	All text preceding "and"	(1), (4)

Rationale for Confidentiality:

- (1) This type of information would disclose negotiated terms and conditions of either the Odyssey CSA or the Allied CSA. As provided in Tampa Electric's Commission approved Original Tariff Sheet No. 6.720, CSAs shall be considered confidential documents. As the Commission stated in its Order No. PSC-00-1530-PCO-EI issued in this proceeding on August 23 2000, the CISR tariff imposes an affirmative obligation on Tampa Electric not to disclose the information in the CSA other than to the Commission or the Commission's Staff. Public disclosure of this information would harm the interests of Tampa Electric and its general body of ratepayers in future CISR negotiations and would impose a definite chilling effect on the willingness of other at-risk customers to supply information of a business nature in CISR negotiations. As such, this information is entitled to protection against public disclosure under Section 366.093(3)(d) and (e), Florida Statutes.

- (2) This information reflects Tampa Electric Company's highly competitive cost information, such as the inputs to and results of all CISR-related Ratepayer Impact Measure (RIM) analyses. Public disclosure of this information could harm Tampa Electric in two ways. It could hamper Tampa Electric in future CISR negotiations by supplying the customer with knowledge of the rate floor it could demand of Tampa Electric. In addition, disclosure of this information would significantly harm Tampa Electric's negotiating position relative to off-system sales and purchases. This would impair the ability of Tampa Electric to negotiate for goods and services on favorable terms. As such, the information is entitled to protection from public disclosure under Section 366.093(3)(d) and (e), Florida Statutes.
- (3) This information if made public would disclose operational characteristics of Odyssey or Allied, such as the projected electrical usage, amount of bleach product to be produced, etc. This is information that could be useful to a competitor of either Odyssey or Allied. As such, it is information relating to competitive interest, the disclosure of which would impair the competitive business of Odyssey or Allied. Public disclosure of this information would also have a significant chilling effect on Tampa Electric's future negotiations with other at-risk customers because they would be concerned that their operational characteristics and production data might be made available to their competitor. As such, this information is entitled to protection under Section 366.093(3)(d) and (e), Florida Statutes.
- (4) This information discloses the construction of facilities or other actions considered, taken or agreed to be performed by and between Tampa Electric and either Odyssey or Allied as part of their CISR negotiations. As such, this information discloses consideration for the CISR business relationship between Tampa Electric and either Odyssey or Allied. Public disclosure of this information would adversely affect Tampa Electric in future CISR negotiations by disclosing to prospective at-risk customers details of what Tampa Electric had agreed to in prior CISR negotiations. As a result, the information is entitled to confidential treatment under Section 366.093(3)(d), Florida Statutes.
- (5) This information consists of evaluations, observations and other communications made internally by and between Tampa Electric personnel relative to either the Allied or Odyssey CISR negotiations, the public disclosure of which would place in the public domain proprietary business strategy considerations, CISR negotiation strategies and other proprietary business information. This could adversely affect Tampa Electric in future CISR negotiations as well as in other non-CISR negotiations where this proprietary knowledge is useful to the party or parties with whom Tampa Electric is negotiating. As such, this information is entitled to confidential treatment under Section 366.093(3)(d) and (e), Florida Statutes.
- (5) This is proprietary strategic or planning oriented business information, unrelated to the Allied/CFI or Odyssey CSA, the public disclosure of which would adversely affect Tampa Electric from a competitive business standpoint. This information would be useful to those with whom Tampa Electric negotiates to provide goods and services or to acquire goods and services to the detriment of Tampa Electric in those negotiations. As such, the information is entitled to confidential protection pursuant to Section 366.093(3)(d) and (e), Florida Statutes, in that disclosure of the information would impair the efforts of Tampa Electric to contract for goods or services on favorable terms and would impair the competitive business interests of Tampa Electric.
- (6) This is proprietary strategic or planning oriented business information, unrelated to the Allied/CFI or Odyssey CSA, the public disclosure of which would adversely affect Tampa Electric from a competitive business standpoint. This information would be useful to those with whom Tampa Electric negotiates to provide goods and services or to acquire goods and services to the detriment of Tampa Electric in those negotiations. As such, the information is entitled to confidential protection pursuant to Section 366.093(3)(d) and (e), Florida Statutes, in that disclosure of the information would impair the efforts of Tampa Electric to contract for goods or services on favorable terms and would impair the competitive business interests of Tampa Electric.

**Justification for Confidentiality of Portions of the Deposition Transcript
and, as Applicable, Deposition Exhibits of Witness Patrick H. Allman**

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
21	22	Numeric value	(1)
28	23	All text following "load."	(6)
28	24-25	All	(6)
29	14-21	All	(6)
30	11	Text between "Certainly" and "I"	(6)
30	20	First three words in line	(6)
31	4	All text preceding "in Dade"	(6)
31	13	Entire line	(6)
32	2	Fifth and last word on line	(6)
32	19	Text between "was" and "a"	(6)
32	23	Text between "is" and "facility"	(6)
40	18	Numeric value	(1)
40	25	All text following "see."	(6)
41	1	All	(6)
41	3	First two words in line	(6)
42	23	Entire line	(1), (4)
43	24	Text preceding "What's"	(1), (4)
44	6	Text between "form" and "on"	(4)
44	14	All text following "sentence"	(5)
44	15-16	All	(5)
44	18	All text following "had"	(3), (5)
44	24	All text following "put"	(1)
44	25	Entire line	(1)
45	14	Entire line	(6)
53	11	Entire line	(1)
53	13	All text following "to"	(4)
53	14	All text following "to"	(4)
53	15	All text preceding "which"	(4)
58	7	Numeric value	(1)
58	9	Numeric values	(1)
58	14	Numeric values	(1)
58	18	Numeric value	(1)
58	21	Numeric value	(1)
58	22	Numeric value	(1)
59	8	Numeric values	(1)
59	11	Numeric values	(1)
59	23	Numeric values	(1)
60	1	Numeric value	(1)
60	3	Numeric value	(1)
60	4	Numeric value	(1)
60	17	All text following "reads"	(4)
60	18-20	All	(4)
60	21	All text following "continues"	(4)
60	22-25	All	(4)
61	2-5	All	(4)
64	21	First two words in line	(6)

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
64	22	First three words in line	(6)
80	4	All text following " factor"	(1)
82	10	Numeric values	(1)
82	15	Numeric value	(1)
83	22-25	All	(6)
84	1-4	All	(6)
93	13-16	All	(4)
93	20-25	All	(4)
94	1-3	All	(4)
94	8-12	All	(4)
95	2	All text following "point"	(4), (5)
95	3	All	(4), (5)
95	4	All text excluding "The fourth"	(4), (5)
95	5-7	All	(4), (5)
95	9	Entire line	(4)
95	12	Last two words in line	(4)
95	13	All text preceding "was"	(4)
95	18	Entire line	(4), (2)
95	21	All text following "of the"	(4)
95	22	First two words in line	(4)
95	23	All text following "that the"	(4), (2)
95	24	All text preceding " It"	(4), (2)
95	25	Numeric value	(4), (2)
95	25	Text between "a" and "cost"	(4), (2)
96	1	Last word in line	(4)
96	3	All text following "been"	(2)
96	12	All text following " as"	(4)
96	13	All	(4)
96	14	All text following "and"	(4)
96	24	Text between "pay" and "that"	(2)
98	13	All text following "paper"	(4), (2)
98	14	First word in line	(4)
98	23	Numeric value	(2)
99	3	All text following " two,"	(1)
99	4	All text preceding " Do"	(1), (5)
99	8	Numeric value	(5)
101	5	Numeric value	(1)
102	25	All text preceding "He"	(1)
103	1	All text preceding " and"	(1)
103	11	Last two words in line	(1), (4)
103	12	Last two words in line	(1), (4)
103	16	Last word in line	(1), (4)
103	17	First word in line	(1), (4)
103	17	Text between "sorry" and "that"	(1), (4)
103	18	Entire line	(1), (4)
103	19	Numeric value	(2)
103	21	Numeric value	(2)
103	25	Entire line	(4)
104	8	Last three words in line	(4)

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
109	13	All text following " were"	(4)
109	14-15	All	(4)
109	16	All text preceding "and"	(4)
111	4	All text following "bottom"	(2)
111	5	All text preceding "is"	(2)
111	7-8	All	(4)
111	13	Entire line	(4)
111	14	All text preceding "Excuse"	(4)
111	17	All text preceding "Correct"	(4)
111	20	All text following "cost"	(4)
111	22	All text preceding " because"	(4)
112	1-3	All	(4)
112	4	All text following "originally"	(4)
112	5	Last word in line	(4)
112	6	First word in line	(4)
112	8	Last two words in line	(4)
112	14	All text following "been"	(4)
112	15-16	All	(4)
112	24	First three words in line	(4)
113	1	Text between "for" and "or"	(4)
113	6	First word in line	(4)
113	9	Text between " words" and "The"	(1), (4)
113	10	All text following "is"	(1), (4)
113	11-12	All	(1), (4)
113	13	First three words in line	(1), (4)
113	14	All text following "reads"	(1)
113	15	All text preceding "The"	(1)
113	16	Entire line	(1)
113	17	All text following "not"	(1)
113	18	Entire line	(1)
113	23	Last three words in line	(1)
113	24	All text preceding "What"	(1)
114	1	All text following " us"	(1)
114	2-12	All	(1)
114	14	Second word in line	(4)
115	10	All text following "to be"	(4)
115	11	All text preceding "Correct"	(4)
117	6	Text between "with the" and "The"	(1), (4)
117	7	Last two words in line	(4)
117	8	Last two words in line	(4)
117	9	Last word in line	(4)
117	10	First, fourth, and fifth word in line	(4)
118	6	Numeric references	(2)
118	8	All text following "was"	(1)
118	9-10	All	(1)
118	12	Text between "the" and "and"	(1)
118	13	All Text following "was the"	(1)
118	14-16	All	(1)
118	18	Entire line	(1)

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
119	9	Numeric value	(6)
120	19	Text between "update" and "issues"	(1)
120	20	Last word in line	(1)
120	21	Entire line	(1)
120	22	First word in line	(1)
120	23	Last three words in line	(1)
120	24	Entire line	(1)
120	25	First two words in line	(1), (4)
121	1	Entire line	(4)
121	5	Text between " on" and "to"	(4)
121	18	Text between "and the" and "So"	(4)
124	15	Text between " because" and "and"	(4)
124	16	Entire line	(4)
124	19-22	All	(4)
126	23	Last three words in line	(2), (4)
126	25	All text following "Company"	(6)
127	1-16	All	(4), (6)
127	17	All text preceding " Correct"	(4), (6)
127	18-24	All	(4), (6)
128	1	Last three words in line	(4), (6)
128	5-9	All	(4), (6)
128	11	Last three words in line	(4), (6)
128	12	Entire line	(4), (6)
128	13	First two words in line	(4), (6)
128	18	Numeric value	(1)
128	24	Numeric value	(1)
135	1-3	All	(6)
136	18	Numeric value	(1)
136	24	Numeric value	(1)
137	1	Last two words in line	(6)
137	2-3	All	(6)
137	4	Last two words in line	(6)
137	7	Text between " the and "project"	(6)
137	21	Text between " the and "project"	(6)
137	23	Text between "certain" and "project"	(6)
137	24	Numeric value	(1)
139	5	Text between " for the" and " potential"	(6)
139	18	Numeric reference	(1)
139	19	Numeric reference	(1)
139	23	Numeric reference	(1)
139	25	Numeric reference	(1)
140	4	Numeric references	(1)
140	7	Numeric references	(1)
140	8	Numeric values	(1)
140	21-22	All	(4)
140	23	All text following "the"	(4)
140	24	Entire line	(4)
141	2-3	All	(4)
141	7	Entire line	(4)

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
141	8	First word in line	(4)
141	11	All text following "at"	(4)
141	12-13	All	(4), (6)
142	2-3	All	(4)
142	4	All text preceding "And"	(4)
142	10	All text following "the"	(4)
142	11	Entire line	(4)
142	25	All text following "reads"	(4)
143	1-4	All	(2), (4)
143	14	First three words in line	(1), (4)
143	19	All text following "reflects a"	(1), (4)
143	20	Entire line	(1), (4)
143	21	Numeric value	(2)
143	25	All text following "is the"	(1), (4)
144	1	Entire line	(1)
144	2	All text preceding " Correct"	(4)
144	5	All text preceding " Correct"	(1)
144	7	Numeric value	(2)
144	11-13	All	(1), (2)
144	14	All text preceding "Is that"	(2)
144	16-17	All	(2)
144	18	Text between "for the" amd "of"	(1)
144	18	Numeric reference	(2)
144	23	Entire line	(1)
145	1	Last three words in line	(2)
145	2	First two words in line	(1)
145	9	All text following "was"	(1)
145	10	First two words in line	(1)
145	12	All text following " price of"	(1), (2)
145	13	All text preceding " Correct"	(1)
148	24	All text preceding "and"	(1)
148	25	Entire line	(1)
149	1	Entire line	(1)
149	2	All text preceding " What"	(1)
149	4	Entire line	(1)
149	6	All text following "rates"	(1)
149	7	Entire line	(1)
149	8	All text preceding "correct"	(1)
149	10	All text following "wished"	(1)
149	11	All	(1)
149	12	First word in line	(1)
149	14-18	All	(1)
149	20	All text following "Probably"	(1)
149	21	Entire line	(1)
149	23	All text following " been"	(1)
149	24-25	All	(1)
150	7-11	All	(1)
150	12	Last three words in line	(1)
150	13	Entire line	(1)

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
150	21-22	All	(1)
150	23	Last three words in line	(1)
150	24	All text preceding "I would"	(1)
150	25	All text following " Company'	(1)
151	3-7	All	(1)
151	10-11	All	(1)
151	13-14	All	(1)
151	23	All	(1)
152	6	Numeric value	(1)
152	8	All text following "No"	(1)
152	9	All text following " there"	(1)
152	10	Entire line	(1)
152	11	Numeric references	(1)
152	21	Last word in line	(1)
152	22-25	All	(1)
153	3	First two words in line	(1)
153	4	Last three words in line	(1)
153	5	Entire line	(1)
153	9-10	All	(1)
160	14	Numeric value	(1)
160	25	All	(1)
161	16	Entire line	(1)
161	17	First three words in line	(1)
161	23	Last two words in line	(1)
161	24	Entire line	(1)
161	25	All text preceding " NPV"	(1)
162	3	All text following "continues"	(1)
162	4-5	All	(1)
162	6	All text preceding "Had"	(1)
162	7	Last two words in line	(1)
162	10	All text following " go"	(1)
162	11	Text between "didn't" and "percent"	(1)
162	12	Text between "negotiate" and "percent"	(1)
162	16	Numeric value	(1)
172	12	All text following " is"	(4)
181	15	Numeric values	(1)
181	16	Last three words in line	(1)
181	17	Numeric value	(1)
185	15	Text between " is" and "for"	(1)
185	19	All text following "issue of"	(1)
185	20-22	All	(1)
186	1-8	All	(1)
186	17-20	All	(1)
193	25	All text following "the"	(1)
194	1	All text preceding " when"	(1)
194	5	Entire line	(1)
194	9	Text between "that" and "per"	(1)
194	12	All text following "view"	(1)
194	13-15	All	(1)

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
195	2	All text following "numbers"	(1)
195	3	Entire line	(1)
195	8	Entire line	(1)
195	9	First two words in line	(1)

Rationale for Confidentiality:

- (1) This type of information would disclose negotiated terms and conditions of either the Odyssey CSA or the Allied CSA. As provided in Tampa Electric's Commission approved Original Tariff Sheet No. 6.720, CSAs shall be considered confidential documents. As the Commission stated in its Order No. PSC-00-1530-PCO-EI issued in this proceeding on August 23 2000, the CISR tariff imposes an affirmative obligation on Tampa Electric not to disclose the information in the CSA other than to the Commission or the Commission's Staff. Public disclosure of this information would harm the interests of Tampa Electric and its general body of ratepayers in future CISR negotiations and would impose a definite chilling effect on the willingness of other at-risk customers to supply information of a business nature in CISR negotiations. As such, this information is entitled to protection against public disclosure under Section 366.093(3)(d) and (e), Florida Statutes.
- (2) This information reflects Tampa Electric Company's highly competitive cost information, such as the inputs to and results of all CISR-related Ratepayer Impact Measure (RIM) analyses. Public disclosure of this information could harm Tampa Electric in two ways. It could hamper Tampa Electric in future CISR negotiations by supplying the customer with knowledge of the rate floor it could demand of Tampa Electric. In addition, disclosure of this information would significantly harm Tampa Electric's negotiating position relative to off-system sales and purchases. This would impair the ability of Tampa Electric to negotiate for goods and services on favorable terms. As such, the information is entitled to protection from public disclosure under Section 366.093(3)(d) and (e), Florida Statutes.
- (3) This information if made public would disclose operational characteristics of Odyssey or Allied, such as the projected electrical usage, amount of bleach product to be produced, etc. This is information that could be useful to a competitor of either Odyssey or Allied. As such, it is information relating to competitive interest, the disclosure of which would impair the competitive business of Odyssey or Allied. Public disclosure of this information would also have a significant chilling effect on Tampa Electric's future negotiations with other at-risk customers because they would be concerned that their operational characteristics and production data might be made available to their competitor. As such, this information is entitled to protection under Section 366.093(3)(d) and (e), Florida Statutes.
- (4) This information discloses the construction of facilities or other actions considered, taken or agreed to be performed by and between Tampa Electric and either Odyssey or Allied as part of their CISR negotiations. As such, this information discloses consideration for the CISR business relationship between Tampa Electric and either Odyssey or Allied. Public disclosure of this information would adversely affect Tampa Electric in future CISR negotiations by disclosing to prospective at-risk customers details of what Tampa Electric had agreed to in prior CISR negotiations. As a result, the information is entitled to confidential treatment under Section 366.093(3)(d), Florida Statutes.

- (5) This information consists of evaluations, observations and other communications made internally by and between Tampa Electric personnel relative to either the Allied or Odyssey CISR negotiations, the public disclosure of which would place in the public domain proprietary business strategy considerations, CISR negotiation strategies and other proprietary business information. This could adversely affect Tampa Electric in future CISR negotiations as well as in other non-CISR negotiations where this proprietary knowledge is useful to the party or parties with whom Tampa Electric is negotiating. As such, this information is entitled to confidential treatment under Section 366.093(3)(d) and (e), Florida Statutes.
- (5) This is proprietary strategic or planning oriented business information, unrelated to the Allied/CFI or Odyssey CSA, the public disclosure of which would adversely affect Tampa Electric from a competitive business standpoint. This information would be useful to those with whom Tampa Electric negotiates to provide goods and services or to acquire goods and services to the detriment of Tampa Electric in those negotiations. As such, the information is entitled to confidential protection pursuant to Section 366.093(3)(d) and (e), Florida Statutes, in that disclosure of the information would impair the efforts of Tampa Electric to contract for goods or services on favorable terms and would impair the competitive business interests of Tampa Electric.
- (6) This is proprietary strategic or planning oriented business information, unrelated to the Allied/CFI or Odyssey CSA, the public disclosure of which would adversely affect Tampa Electric from a competitive business standpoint. This information would be useful to those with whom Tampa Electric negotiates to provide goods and services or to acquire goods and services to the detriment of Tampa Electric in those negotiations. As such, the information is entitled to confidential protection pursuant to Section 366.093(3)(d) and (e), Florida Statutes, in that disclosure of the information would impair the efforts of Tampa Electric to contract for goods or services on favorable terms and would impair the competitive business interests of Tampa Electric.

Justification for Confidentiality of the Deposition Exhibits of Stephen W. Sidelko

<u>EXHIBIT</u>	<u>BATES STAMP NO(S)</u>	<u>DESCRIPTION</u>	<u>ORDER GRANTING CONFIDENTIAL TREATMENT</u>
Allied No.1	36 ,43, 350-356, 781, 880-883, 956	Tampa Electric's response to Allied's Production of Documents Request No. 2	PSC-OO-1886-CFO-EI

ORDER NO. PSC-01-2253-CFO-EI
DOCKET NO. 000061-EI
PAGE 28

Justification for Confidentiality of the Deposition Exhibits of Witness Patrick H. Allman

<u>EXHIBIT NO.</u>	<u>BATES STAMP NO(S).</u>	<u>DESCRIPTION</u>	<u>ORDER GRANTING CONFIDENTIAL TREATMENT</u>
PHA-1	23	Customer contact note, 3/12/98	PSC-00-1886-CFO-EI
PHA-2	836-837	3/14/98 letter to Sidelko from Allman	PSC-00-1886-CFO-EI
PHA-3	1939	3/16/98 memo to E-mail addressees from Gem	PSC-00-1886-CFO-EI
PHA-4	35	Customer contact note, 3/17/98	PSC-00-1886-CFO-EI
PHA-5	1082, 880-803	Fax memo to Simmons from Allman with attachments	PSC-00-1886-CFO-EI
PHA-6	25-27	Customer contact note, 3/24/98 with attached 3/24/98 letter to Sideldo from Allman	PSC-00-1886-CFO-EI
PHA-7	1084	3/25/98 memo to Brown, Gem from Allman	PSC-00-1886-CFO-EI
PHA-8	351-356	4/3/98 letter to Sidelko from Allman, with attached tariff agreement	PSC-00-1886-CFO-EI
PHA-9	25-27	3/27/98 memo to Project Team from Allman	PSC-00-1886-CFO-EI
PHA-10	315-318	Memo potential new industrial customer bleach plant	PSC-00-1886-CFO-EI
PHA-11	33	Customer contact note, 4/1/98	PSC-00-1886-CFO-EI

ORDER NO. PSC-01-2253-CFO-EI
 DOCKET NO. 000061-EI
 PAGE 29

<u>EXHIBIT NO.</u>	<u>BATES STAMP NO(S).</u>	<u>DESCRIPTION</u>	<u>ORDER GRANTING CONFIDENTIAL TREATMENT</u>
PHA-12	273-276	Agenda, Regulatory Coordination Meeting, 4/13/98	PSC-00-1886-CFO-EI
PHA-13	829-830	4/17/98 letter to Sidelko from Allman	PSC-00-1886-CFO-EI
PHA-14	1943	Electric Service Options document	PSC-00-1886-CFO-EI
PHA-15	171-173	Bleach Plant Economic Analysis	PSC-00-1886-CFO-EI
PHA-16	38	Customer contact note, 5/14/98	PSC-00-1886-CFO-EI
PHA-17	782-794	6/11/98 letter to Sidelko from Allman	PSC-00-1886-CFO-EI
PHA-18	776	Fax memo to Armstrong, Sidelko from from Allman	PSC-00-1886-CFO-EI
PHA-19	1497-1516	6/24/98 memo to Ashburn, Long from Allman, with attached proposed power agreement	PSC-00-1886-CFO-EI
PHA-20	2016	7/16/98 memo to E-370 Estimators from Gem	PSC-00-1886-CFO-EI
PHA-21	91	7/30/98 memo to Allman from Elbare	PSC-00-1886-CFO-EI
PHA-22	74	Customer contact note, 8/3/98	PSC-00-1886-CFO-EI
PHA-23	1519-1535	8/3/98 letter to Sidelko from Allman with attached proposed power supply agreement	PSC-00-1886-CFO-EI
PHA-24	1478, 1480	4/7/98 letter to Sidelko from Allman	PSC-00-1886-CFO-EI

ORDER NO. PSC-01-2253-CFO-EI
DOCKET NO. 000061-EI
PAGE 30

<u>EXHIBIT NO.</u>	<u>BATES STAMP NO(S).</u>	<u>DESCRIPTION</u>	<u>ORDER GRANTING CONFIDENTIAL TREATMENT</u>
PHA-25	43	Affidavit of Stephen W. Sidelko	PSC-00-1886-CFO-EI
PHA-26	78	Customer contact note, 8/6/98	PSC-00-1886-CFO-EI
PHA-27	195-215	8/10/98 letter to Sidelko from Allman with attached proposed power supply agreement	PSC-00-1886-CFO-EI
PHA-28	1081	8/18/98 memo from Allman	PSC-00-1886-CFO-EI
PHA-29	80	Customer contact note, 9/8/98	PSC-00-1886-CFO-EI
PHA-30	83	Customer contact note, 9/10/98	PSC-00-1886-CFO-EI
PHA-31	20-21	CISR Project Review/Approval Checklist	PSC-00-1886-CFO-EI
PHA-32	8-10	Bleach Plant Executive Summary - Update	PSC-00-1886-CFO-EI
PHA-33	193-194	9/3/98 letter to Sidelko from Allman	PSC-00-1886-CFO-EI
PHA-34	189-192	9/4/98 letter to Sidelko from Allman with attached proposed power supply agreement	PSC-00-1886-CFO-EI
PHA-35	2036	1/17/99 letter to Gates from Allman	PSC-00-1886-CFO-EI

ORDER NO. PSC-01-2253-CFO-EI
 DOCKET NO. 000061-EI
 PAGE 31

ATTACHMENT C
TECO's Supplemental Request for Confidential
Classification (Namoff)

**Justification for Confidentiality of Portions of the Deposition Transcript
and, as Applicable, Deposition Exhibits of Witness Robert Namoff:**

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
105	21-25	All	(1)
106	1-25	All	(1)
107	1-7	All	(1)

Rationale for Confidentiality:

- (1) This type of information would disclose negotiated terms and conditions of either the Odyssey CSA or the Allied CSA. As provided in Tampa Electric's Commission approved Original Tariff Sheet No. 6.720, CSAs shall be considered confidential documents. As the Commission stated in its Order No. PSC-00-1530-PCO-EI issued in this proceeding on August 23, 2000, the CISR tariff imposes an affirmative obligation on Tampa Electric not to disclose the information in the CSA other than to the Commission or the Commission's Staff. Public disclosure of this information would harm the interests of Tampa Electric and its general body of ratepayers in future CISR negotiations and would impose a definite chilling effect on the willingness of other at-risk customers to supply information of a business nature in CISR negotiations. As such, this information is entitled to protection against public disclosure under Section 366.093(3)(d) and (e), Florida Statutes.

ATTACHMENT D
TECO's Supplemental Request for Confidential
Classification (Winters)

Justification for Confidentiality of Portions of the Deposition Transcript
and, as Applicable, Deposition Exhibits of Witness Pamela Winters

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
10	10	Numeric value	(1)
10	13	Numeric value	(1)
11	8	Numeric value	(1)
11	17	Numeric value	(1)
11	18	Numeric value	(1)
12	5	Numeric value	(1)
13	8	Numeric value	(1)
13	9	Numeric value	(1)
13	10	Numeric value	(1)
13	11	Numeric value	(1)
13	24	Numeric value	(1)
14	5	Numeric value	(1)
14	13	Numeric value	(1)
14	17	Numeric value	(1)
14	19-20	All	(1)
14	22	Numeric value	(1)
15	6	Numeric value	(1)
15	12	Numeric value	(1)
15	19	Numeric value	(1)
15	25	Numeric values	(1)
16	1	Numeric value	(1)
16	6	Numeric value	(1)
16	7	Numeric value	(1)
25	5	Numeric values	(1)
38	14	Numeric value	(1)
38	18	Numeric value	(1)
94	11	Numeric value	(1)
94	21	Numeric value	(1)
95	1	Numeric value	(1)
95	7	Numeric value	(1)
95	13	Numeric value	(1)
95	16	Numeric value	(1)
96	1	Numeric value	(1)
96	6	Numeric value	(1)
96	24	Numeric value	(1)
100	11	Numeric value	(1)

Rationale for Confidentiality:

- (1) This type of information would disclose negotiated terms and conditions of either the Odyssey CSA or the Allied CSA. As provided in Tampa Electric's Commission approved Original Tariff Sheet No. 6.720, CSAs shall be considered confidential documents. As the Commission stated in its Order No. PSC-00-1530-PCO-EI issued in this proceeding on August 23 2000, the CISR tariff imposes an affirmative obligation on Tampa Electric not to disclose the information in the CSA other than to the Commission or the Commission's Staff. Public disclosure of this information would harm the interests of Tampa Electric and its general body of ratepayers in future CISR negotiations and would impose a definite chilling effect on the willingness of other at-risk customers to supply information of a business nature in CISR negotiations. As such, this information is entitled to protection against public disclosure under Section 366.093(3)(d) and (e), Florida Statutes.