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February 10, 2004

HAND DELIVERED

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Review of Tampa Electric Company's waterborne transportation contract with  
TECO Transport and associated benchmark; FPSC Docket No. 031033-EI

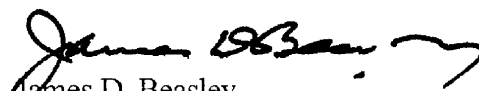
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Specified Confidential Treatment relating to certain information contained in portions of its answers to Office of Public Counsel's Second Set of Interrogatories (Nos. 15-56).

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

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

DOCUMENT NUMBER - DATE

01891 FEB 10 3

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's	)	
Waterborne transportation contract with	)	DOCKET NO. 031033-EI
TECO Transport and associated benchmark.	)	FILED: February 10, 2004
	)	

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**TAMPA ELECTRIC COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Tampa Electric Company ("Tampa Electric" or "the company") pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of certain highlighted information contained in portions of its answers to Office of Public Counsel's ("OPC") Second Set of Interrogatories (Nos. 15-56). The confidential information in question appears on Bates stamp page number 11 of the company's answer to Interrogatory No. 25, Bates stamp page 14 of the company's answer to Interrogatory No. 28, Bates stamp page 20 of the company's answer to Interrogatory No. 34, Bates stamp page 23 of the company's answer to Interrogatory No. 37, Bates stamp page 25 of the company's answer to Interrogatory No. 39, Bates stamp page 27 of the company's answer to Interrogatory No. 41 and Bates stamp page 33 of the company's answer to Interrogatory No. 47 (collectively referred to as the "Confidential Information"). A single copy of the Confidential Information was filed with a Notice of Intent to Seek Confidential Classification and Motion for Temporary Protective Order filed February 2, 2004 in the above proceeding. Attached hereto as Exhibit "A" is a justification for designating the Confidential Information proprietary confidential business information under the above-referenced statute and rule. 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 proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1) [requiring disclosure under the Public Records Act].” The proprietary confidential business information includes, but is not limited to:

(d) Information concerning bids or other 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. (Section 366.093(3)(d), Florida Statutes)

2. Proprietary confidential business information also includes:

(e) Information 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)

3. The Confidential Information falls within the above statutory categories and, thus, constitutes proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

4. The material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed.

5. The request for confidential classification is intended to serve as Tampa Electric’s motion for a protective order pursuant to Rule 25-22.006(6), Florida Administrative Code.

WHEREFORE, Tampa Electric Company respectfully requests that the highlighted Confidential Information set forth in its answers to OPC’s Second Set of Interrogatories (Nos. 15-56) be accorded confidential classifications for the reasons set forth above.

DATED this 10<sup>th</sup> day of February 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee L. Willis", is written over a horizontal line.

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 copy of the foregoing Request for Confidential Classification, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 10<sup>th</sup> day of February 2004 to the following:

Mr. Wm. Cochran Keating, IV\*  
Senior Attorney  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

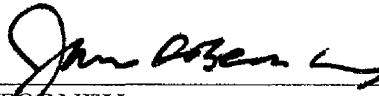
Ms. Vicki Gordon Kaufman  
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Mr. Robert Scheffel Wright  
Mr. John T. LaVia, III  
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Tallahassee, FL 32302

  
\_\_\_\_\_  
ATTORNEY

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**JUSTIFICATION FOR CONFIDENTIAL TREATMENT OF HIGHLIGHTED  
PORTIONS OF TAMPA ELECTRIC'S RESPONSES TO OPC'S SECOND  
SET OF INTERROGATORIES (FILED FEBRUARY 2, 2004)**

<b><u>Bates Stamp Page No.</u></b>	<b><u>Interrogatory No.</u></b>	<b><u>Detailed Description</u></b>	<b><u>Rationale</u></b>
11	25	All Yellow Highlighted Information	(1), (2)
14	28	All Yellow Highlighted Information	(3)
20	34	All Yellow Highlighted Information	(3)
23	37	All Yellow Highlighted Information	(2)
25	39	All Yellow Highlighted Information	(1)
27	41	All Yellow Highlighted Information	(1)
33	47	All Yellow Highlighted Information	(4)

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- (1) The information contained on the listed pages contains information about the contract terms, rates or amounts that will be paid for transportation services under Tampa Electric's contract with TECO Transport that took effect January 1, 2004. This information is competitive contractual information, the disclosure of which would be harmful to the position of TECO Transport in negotiating future contracts with other clients. Disclosing this information would also harm Tampa Electric's position in determining rates for future transportation contracts since the providers bid responses might be influenced if they had knowledge of the previous or current contract rates. The disclosure of this information would therefore be harmful to TECO Transport's competitive interests and to the ability of Tampa Electric to contract for goods and services on favorable terms, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.
- (2) The information contained on the listed pages describes in detail Tampa Electric's expected 2004 coal needs by type and from different areas on the waterborne supply course or its actual coal purchases from different locations in the past two years. Both the projected and the recent actual data provide insight into locations where the company might expect to take coal deliveries in the future. Inasmuch as the company has not already contracted for all of its future expected coal needs, public disclosure of this information would harm the company's negotiating position in its attempts to purchase coal at the most economic rate. Consequently, this information is entitled to protection

under Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

- (3) The information contained on the listed pages contains the proprietary work product of Tampa Electric's consultant, Dibner Maritime Associates LLC or "DMA". The disclosure of this information could allow duplication of the consultant's work without compensation for the consultant's efforts to develop expertise, gather and update information and develop methods of analysis. This information is in the nature of a trade secret owned by DMA. It is also in the nature of information relating to competitive interests, the disclosure of which would impair DMA's competitive business interests by diminishing the demand for DMA's proprietary work product. As such, the information in question is entitled to confidential treatment pursuant to Section 366.093 (3)(a) and (e), Florida Statutes.
- (4) The information contained on the listed pages discloses a bidder's identity and contains bid information provided in response to Tampa Electric's RFP. Disclosing bidders' identities and the information included in their confidential proposals would discourage those bidders from participation in future RFPs as they do not desire for their competitors to have access to the terms and conditions under which they will bid on transportation services. As such public disclosure of the information contained on these pages would adversely affect the competitive interests of the 2003 RFP bidders and potential future bidders as well as the ability of Tampa Electric to contract for goods and services on favorable terms. The disclosure of this information would therefore be harmful to the competitive interests of Tampa Electric, and as such, the information is entitled to confidential treatment pursuant to Section 366.093(d) and (e), Florida Statutes.