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ORIGINAL

March 16, 2001

HAND DELIVERED

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RECORDS AND REPORTING

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor; FPSC Docket No. 010001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket on behalf of Tampa Electric company are the original and fifteen (15) copies of each of the following:

1. Tampa Electric Company's Objections, Motion for Protective Order and Written Response to FIPUG's First Set of Interrogatories (Nos. 1-23).
2. Tampa Electric Company's Response, Motion for Protective Order and Objections to FIPUG's First Set of Requests for Production of Documents (Nos. 1-6).

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,

RECEIVED & FILED  
*Man*  
FPSC-BUREAU OF RECORDS  
*James D. Beasley*  
James D. Beasley

APP \_\_\_\_\_  
 CAF \_\_\_\_\_  
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 OTH \_\_\_\_\_

All parties of record (w/encls.)

*Interrogatories*  
 DOCUMENT NUMBER-DATE  
 03374 MAR 16 06  
 FPSC-RECORDS/REPORTING

*POOs*  
 DOCUMENT NUMBER-DATE  
 03375 MAR 16 06  
 FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery )  
Clause with Generating Performance Incentive ) DOCKET NO. 010001-EI  
Factor. ) FILED: March 16, 2001  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S OBJECTIONS,  
MOTION FOR PROTECTIVE ORDER AND WRITTEN RESPONSE  
TO FIPUG'S FIRST SET OF INTERROGATORIES (NOS. 1-23)**

Tampa Electric Company ("Tampa Electric" or "the company") submits the following Objections, Motion for Protective Order and written response to Florida Industrial Power Users Group's ("FIPUG") First Set of Interrogatories to Tampa Electric Company Nos. 1-23 and, as grounds therefor, says:

**Preliminary Nature of These Objections**

The objections stated herein are preliminary in nature and should additional grounds for objections be discovered as Tampa Electric attempts to produce documents in this proceeding, the company reserves the right to supplement or revise or modify its objections. Should Tampa Electric determine that a further protective order is necessary with respect to any of the information requested, Tampa Electric reserves the right to file a motion with the Commission.

**GENERAL OBJECTIONS**

Tampa Electric makes the following general objections to FIPUG's First Set of Interrogatories (Nos. 1-23):

DOCUMENT NUMBER-DATE

03374 MAR 16 2001

FPSC-RECORDS/REPORTING

1. Tampa Electric objects to each request insofar as it seeks to impose obligations on Tampa Electric which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

2. Tampa Electric objects to each and every discovery request to the extent such request calls for information which is exempt from discovery by virtue of the attorney/client privilege, work product privilege, or other applicable privilege.

3. Tampa Electric objects to each and every discovery request insofar as the request is vague, ambiguous, overly broad, imprecise or utilizes terms that are subject to multiple interpretations but are not properly defined or explained.

4. Tampa Electric objects to each and every discovery request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

5. Tampa Electric objects to each discovery request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes, or which is proprietary confidential business information.

6. Tampa Electric is proceeding to research its records in response to FIPUG's discovery requests and to the extent the company locates information responsive to those requests which is not subject to the foregoing general objections, the same will be provided to FIPUG on a timely basis.

#### **Motion for Protective Order**

7. Tampa Electric's objections to FIPUG's discovery requests are submitted pursuant to the authority contained in Slatnick v. Leadership Housing Systems of Florida, Inc., 368 So. 2d

78 (Fla. 3<sup>rd</sup> DCA 1979). To the extent that a Motion for Protective Order is required, Tampa Electric's objections are to be construed as a request for a Protective Order.

### **Objections to Specific Requests**

8. Tampa Electric objects to Interrogatory No. 1 on the ground that the information requested is irrelevant and overbroad. Much of the requested information may be available to FIPUG on the Federal Energy Regulatory Commission's web site.

Tampa Electric specifically objects to that portion of Interrogatory No. 1 requesting information regarding contracts pursuant to which any Tampa Electric affiliate is or was a purchasing party. Tampa Electric does not have access to any of its affiliates' contracts to which Tampa Electric was not a party and thus cannot provide such information. Even if Tampa Electric did have access, answering this interrogatory would likely cause significant harm to the competitive interests of the affected affiliate.

9. Tampa Electric objects to Interrogatory No. 4 on the ground that the information requested is confidential proprietary business information the public disclosure of which could harm the competitive interest of Tampa Electric's affiliates. This information has been recognized by the Commission to constitute proprietary confidential business information and thus entitled to protection from public disclosure under Section 366.093, Florida Statutes. In addition, disclosure of this information to FIPUG could be giving highly competitive information to the very parties who might find it useful in competing with Tampa Electric's affiliates for the provision of goods and services. FIPUG has not disclosed who its members are or whether one or more of its members could gain a competitive advantage over one or more of Tampa Electric's affiliates by being supplied the information requested.

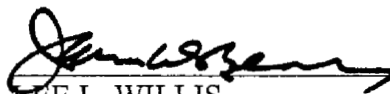
10. Tampa Electric objects to Interrogatory No. 11, subparts (a) and (c), on the ground that those subparts are overbroad and would impose a tremendous burden on Tampa Electric to gather, research and present answers. The information is not contained in any specific report or other document. Even attempting to gather all of the documentation necessary to glean this information would be a major undertaking.

11. Tampa Electric objects to Interrogatory No. 18 for the same reasons expressed in Tampa Electric's objection to Interrogatory No. 11. This information is not contained in any type of business report or other consolidated document but instead would have to be gleaned from more than 52,000 hours of data then analyzed, reconciled and discussed. Tampa Electric further objects to Interrogatory No. 18 on the ground that disclosing the information requested would harm Tampa Electric's ability to compete in the wholesale power market, to the detriment of Tampa Electric and its ratepayers.

WHEREFORE, Tampa Electric submits the foregoing as its Objections to FIPUG's First Set of Interrogatories Nos. 1-23.

DATED this 16<sup>th</sup> day of March, 2001.

Respectfully submitted,



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

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Response and Objections to FIPUG's First Set of Interrogatories (Nos. 1-23), filed on behalf of Tampa Electric Company, has been served by hand delivery (\*) or U. S. Mail on this 16<sup>th</sup> day of March, 2001 to the following:

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ATTORNEY

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