

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: December 15, 2003
_____)

**TAMPA ELECTRIC COMPANY'S OBJECTIONS
IN RESPONSE TO THE FLORIDA INDUSTRIAL POWER
USERS GROUP'S FIRST SET OF INTERROGATORIES
TO TAMPA ELECTRIC COMPANY (NOS. 1-34)**

Pursuant to Rule 1.351, Florida Rules of Civil Procedure and Rule 28-106.206, Florida Administrative Code, Tampa Electric Company ("Tampa Electric" or "the company"), by and through its undersigned counsel, hereby files its objections to the First Set of Interrogatories (Nos. 1-34) served by Florida Industrial Power Users Group ("FIPUG") on Tampa Electric, and says:

The above objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten (10) day notice requirement typically set forth in the Commission's Orders Establishing Procedure. Should additional grounds for objection be discovered as Tampa Electric reviews its answers to interrogatories and documents, the company reserves the right to supplement, or revise or modify its objections prior to the time it serves answers to interrogatories or produces any documents. Should Tampa Electric determine that a protective order is necessary with respect to any of the information requested by FIPUG, Tampa Electric reserves the right to file a motion with the Commission seeking such an order at the time it serves its written responses to FIPUG.

DOCUMENT NUMBER DATE

13030 DEC 15 8

FPSC-COMMISSION CLERK

This document shall also serve as Tampa Electric's written response to FIPUG's First Set of Interrogatories. The actual due date for the company's response is January 5, 2004. Tampa Electric reserves the right to supplement and modify its written response by January 5, 2004, to the extent the company determines the same may be warranted during the company's further review of the nature of the documents requested and whether and the extent to which such documents exist.

The short response time for objections requires the company's response to be somewhat broad and protective. Tampa Electric intends to be cooperative and reasonably responsive to appropriate discovery requests. Many of FIPUG's requests appear to be broader than the subject matter of this docket.

Notwithstanding the bases for the objections posed herein, Tampa Electric will strive to respond to all relevant discovery requests from FIPUG which reasonably relate to the subject matter of this docket. The company will do so in an effort to avoid unnecessary litigation costs for all parties to this proceeding, and to facilitate the timely resolution of this docket in accordance with the current schedule. In certain instances, for example, where a particular request is clearly overbroad, susceptible of differing interpretation, unclear or otherwise subject to objection, Tampa Electric will state its particular objection to the request, then identify and offer to produce those documents which the company believes are relevant and fully within the reasonable scope of what FIPUG seeks by way of such request.

The company will continue to work with FIPUG to refine FIPUG's requests to interrogatory answers and documents which are reasonably related to this proceeding.

General Objections

1. Tampa Electric objects to each and every interrogatory to the extent that such request calls for information that is exempt from discovery by virtue of the attorney/client privilege, work privilege, or other applicable privilege or protection provided by law, whether such privilege or protection appears at the time response is first made to these requests for documents or later determined to be applicable based on the discovery of documents, investigation, or analysis.

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

3. Tampa Electric objects to each and every interrogatory to the extent that the information sought is already in the public record before this Commission or elsewhere, and is available to FIPUG through normal procedures.

4. Tampa Electric objects to any interrogatory that calls for confidential proprietary business information and/pr the compilation of information that is considered confidential proprietary business information, including “trade secrets” which are privileged pursuant to Section 90.506, Florida Statutes.

5. Tampa Electric objects to any interrogatory that calls for the creation of information as opposed to the reporting of presently existing information or that purport to expand Tampa Electric’s obligations under the Florida Rules of Civil Procedure or Florida Law.

Motion for Protective Order

6. 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

79 (Fla. 3rd 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.


Specific Objections

7. Tampa Electric objects to providing any components of the Dibner Maritime Associates models relied upon by Mr. Dibner. Tampa Electric does not have possession, custody or control of Mr. Dibner's models nor has the company been authorized to make that information known to other persons.

8. Tampa Electric objects to FIPUG's interrogatories to the extent that they call for information which Tampa Electric claims to be confidential proprietary information protected from public disclosure pursuant to Section 366.093, Florida Statutes, absent Tampa Electric and FIPUG executing a mutually agreeable non-disclosure agreement addressing the provision and use of such information.

DATED this 15th day of December 2003.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Objections in Response to FIPUG's First Set of Interrogatories (Nos. 1-34), filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 15th day of December 2003 to the following:

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