

ORIGINAL

McWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

February 16, 2004

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 031033-EI

Dear Ms. Bayo:

On behalf of the Florida Industrial Power Users Group (FIPUG), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ The Florida Industrial Power Users Group's Preliminary Objections to Tampa Electric Company's Second Set of Interrogatories (Nos. 12-13) and Second Request for Production of Documents (Nos. 10-17).

Please acknowledge receipt of the above on the extra copy and return the stamped copy to me. Thank you for your assistance.

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FPSC-BUREAU OF RECORDS

Sincerely,

Timothy J. Perry

Timothy J. Perry

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Enclosure

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McWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A.

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's
2004-2008 waterborne transportation contract
with TECo Transport and associated benchmark.

Docket No.: 031033-EI
Filed: February 16, 2004

THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PRELIMINARY OBJECTIONS TO TAMPA ELECTRIC COMPANY'S
SECOND SET OF INTERROGATORIES (NOS. 12-13)
AND
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 10-17)

Pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1398-PCO-EI, issued December 11, 2003 (*Procedural Order*), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280, 1.340 and 1.350 of the Florida Rules of Civil Procedure, the Florida Industrial Power Users Group (FIPUG), submits its Preliminary Objections to Tampa Electric Company's (TECo) Second Set of Interrogatories (Nos. 12-13) and Second Request for Production of Documents (Nos. 10-17).

FIPUG files these objections to comply with the ten (10) day requirement set forth in the *Procedural Order*. These objections are preliminary in nature. Should additional grounds for objection be discovered as FIPUG prepares its responses to any discovery, FIPUG reserves the right to supplement its objections. Should FIPUG determine that a protective order is necessary with respect to any of the information requested by TECo, FIPUG reserves the right to file a motion with the Commission seeking such an order at the time it serves its written responses to TECo.

GENERAL OBJECTIONS

FIPUG makes the following general objections to TECo's interrogatories and requests for production:

1. FIPUG objects to the interrogatories and requests for production to the extent they

are overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming as written.

2. FIPUG objects to and each and every request insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG will attempt to note in its responses each instance where this objection applies.

3. FIPUG objects to the interrogatories and requests for production insofar as they are vague, ambiguous, overly broad, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these interrogatories and requests for production. Any answers FIPUG provides in response to the interrogatories and requests for production will be provided subject to, and without waiver, of the foregoing objection.

4. FIPUG objects to the interrogatories and requests for production to the extent that they purport to impose discovery obligations on FIPUG that exceed the scope of discovery allowed by the applicable Florida Rules of Civil Procedure. By way of example and not of limitation, FIPUG objects to any interrogatory or request for production that calls for the creation of information as opposed to the reporting of presently existing information.

5. FIPUG objects to each and every interrogatory and request for production to the extent that such interrogatory or request for production calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

6. FIPUG objects to each and every interrogatory and request for production to the extent that the information requested constitutes "trade secrets" pursuant to Section 90.506,

Florida Statutes. To the extent that TECo requests proprietary confidential business information, FIPUG will make such information available in accordance with a protective agreement, subject to other general or specific objections contained herein.

7. FIPUG objects to all interrogatories and requests for production that would require FIPUG to provide information that is already in TECo's possession or is in the public record. To duplicate information that TECo already has or is readily available to TECo would be unduly burdensome and oppressive.

8. FIPUG objects to any interrogatory or request for production that seeks to obtain "all" or particular documents, items, or information to the extent that such interrogatory or request is overly broad and unduly burdensome. Any answers FIPUG provides in response to this discovery will be provided subject to, and without waiver of, the foregoing objection.

9. FIPUG objects to the definition of "FIPUG" set out in the interrogatories and requests for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

10. FIPUG objects to the definitions of "Documents" set out in the requests for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

11. FIPUG objects to the requests for production to the extent that they are not limited in time.

12. For each specific objection made below, FIPUG incorporates by reference all of the foregoing general objections into each of its specific objections as though pleaded therein.

SPECIFIC OBJECTIONS TO TECO'S INTERROGATORIES

13. FIPUG objects to Interrogatory No. 12 to the extent that it is not reasonably

calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG further objects to this request as it is overly broad, unduly burdensome, harassing, expensive, oppressive, and/or excessively time consuming. Notwithstanding its objections, and without waiving them, FIPUG will respond to this interrogatory.

14. FIPUG objects to Interrogatory No. 13 to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG further objects to this request as it is overly broad, unduly burdensome, harassing, expensive, oppressive, and/or excessively time consuming. Notwithstanding its objections, and without waiving them, FIPUG will respond to this interrogatory.

SPECIFIC OBJECTIONS TO TECO'S REQUESTS FOR PRODUCTION

15. FIPUG objects to Request for Production of Documents No. 10 as it is overly broad, unduly burdensome, harassing, expensive, oppressive, and/or excessively time consuming. Notwithstanding its objections, and without waiving them, FIPUG will respond to this request with a list of proceedings, to the extent such a list already exists.

16. FIPUG objects to Request for Production of Documents No. 11 as it is overly broad, unduly burdensome, harassing, expensive, oppressive, and/or excessively time consuming. Notwithstanding its objections, and without waiving them, FIPUG will respond to this request with a list of proceedings, to the extent such a list already exists.

17. FIPUG objects to Request for Production of Documents No. 12 to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG further objects to this request as it is overly broad,

unduly burdensome, harassing, expensive, oppressive, and/or excessively time consuming.

18. FIPUG objects to Request for Production of Documents No. 13 to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG further objects to this request as it is overly broad, unduly burdensome, expensive, harassing, oppressive, and/or excessively time consuming.

19. FIPUG objects to Request for Production of Documents No. 14 as it is overly broad, unduly burdensome, harassing, expensive, oppressive, and/or excessively time consuming. Notwithstanding its objections, and without waiving them, FIPUG will respond to this request with a list of proceedings, to the extent such a list already exists.

20. FIPUG objects to Request for Production of Documents No. 15 to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG further objects to this request as it is overly broad, unduly burdensome, harassing, expensive, oppressive, and/or excessively time consuming.

21. FIPUG objects to Request for Production of Documents No. 16 as it is overly broad, unduly burdensome, expensive, harassing, oppressive, and/or excessively time consuming. Notwithstanding its objections, and without waiving them, FIPUG will respond to this request with a list of proceedings, to the extent such a list already exists.

22. FIPUG objects to Request for Production of Documents No. 17 to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG further objects to this request as it is overly broad, unduly burdensome, expensive, harassing, oppressive, and/or excessively time consuming. FIPUG objects to the extent the request seeks trade secret or confidential proprietary business information or information that is exempt from discovery by virtue of the attorney-client

privilege, work product privilege, or other applicable privilege.



John W. McWhirter
McWhirter, Reeves, McGlothlin, Davidson,
Kaufman, & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
Telephone: (813) 224-0866
Telecopier: (813) 221-1854
jmcwhirter@mac-law.com

Vicki Gordon Kaufman
Timothy J. Perry
McWhirter, Reeves, McGlothlin, Davidson,
Kaufman, & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525 (telephone)
(850) 222-5606 (fax)
vkaufman@mac-law.com
tperry@mac-law.com

Attorneys for Florida Industrial Power Users Group

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Preliminary Objections of the Florida Industrial Power Users Group to Tampa Electric Company's Second Set of Interrogatories (Nos. 12 – 13) and Second Request for Production of Documents (Nos. 10 -17) has been furnished by (*) hand delivery, or U.S. Mail this 16th day of February 2004, to the following:


(*) Wm. Cochran Keating IV
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Lee L. Willis
James D. Beasley
Ausley & McMullen
227 S. Calhoun Street
Tallahassee, Florida 32302

Rob Vandiver
Office of the Public Counsel
111 West Madison Street
Room 812
Tallahassee, Florida 32399

R. Sheffel Wright
Landers & Parsons
301 West College Avenue
Tallahassee, Florida 32301

Mike Twomey
Post Office Box 5256
Tallahassee, Florida 32314-5256



Timothy J. Perry