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August 28, 2006

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: Fuel and Purchased Power Cost Recovery Clause with Generating
Performance Incentive Factor; FPSC Docket No. 060001-EI


Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Objections to Citizens' Second Set of Interrogatories (Nos. 3 and 4).

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
Enclosures

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

DOCUMENT NUMBER-DATE

07880 AUG 28 06

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 060001-EI
Factor.) FILED: August 28, 2006
_____)

**TAMPA ELECTRIC COMPANY'S OBJECTIONS TO
CITIZENS' SECOND SET OF INTERROGATORIES
TO TAMPA ELECTRIC COMPANY (NOS. 3 AND 4)**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 1.340, *Florida Rules of Civil Procedure*, submits these its objections to Citizens' Second Set of Interrogatories to Tampa Electric Company (Nos. 3 and 4), propounded and served by Office of Public Counsel ("OPC") on August 16, 2006, and says:

1. OPC's Interrogatories Nos. 3 and 4 ask Tampa Electric to go back and extract various items of information contained in prior Generating Performance Incentive Factor ("GPIF") filings covering a span of over a quarter of a century as well as citations to Commission orders authorizing rewards or penalties with respect to Tampa Electric.

2. The information in question would have to be manually extracted from nearly 26 years worth of documents (assuming all of those documents still exist) – obviously an unduly burdensome task. It is entirely unreasonable for OPC to ask Tampa Electric to sift through over a quarter of a century's worth of GPIF filings and Commission orders in an effort to extract various details of those filings and orders OPC wishes to review.

3. The unreasonableness of OPC's request is underscored by the fact that OPC has been a very active participant in every proceeding giving rise to GPIF targets and ranges and GPIF rewards and penalties since the GPIF was first created and implemented. OPC has cross-examined,

or has had the opportunity to cross-examine, numerous witnesses regarding the GPIF over the years and is fully qualified to assemble whatever historical data OPC believes should be looked at in connection with the GPIF.

4. OPC has already been provided each and every item of data requested in OPC's Interrogatories Nos. 3 and 4 through Tampa Electric's GPIF true-up and projection filings and in the Commission orders setting GPIF targets and ranges and approving GPIF rewards and penalties, said orders having been provided to OPC, as a party to the proceedings, by the Commission itself. In essence, OPC has already been provided all of the information it now requests and it would be unreasonable and an undue burden on Tampa Electric to have to manually recreate and re-supply the referenced information to OPC.

5. Rule 1.340(c), *Florida Rules of Civil Procedure*, governing interrogatories to parties, provides the following:

(c) Option to Produce Records. When the answer to an interrogatory may be derived or ascertained from the records of the party to whom the interrogatory is directed or from an examination, audit, or inspection of the records or from a compilation, abstract, or summary based on the records and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party to whom it is directed, an answer to the interrogatory specifying the records from which the answer may be derived or ascertained and offering to give the party serving the interrogatory a reasonable opportunity to examine, audit, or inspect the records and to make copies, compilations, abstracts, or summaries is a sufficient answer. An answer shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party interrogated, the records from which the answer may be derived or ascertained, or shall identify a person or persons representing the interrogated party who will be available to assist the interrogating party in locating and identifying the records at the time they are produced.

As stated above, OPC has already been furnished the documents from which to derive or ascertain the data OPC is requesting. It is clear, based on OPC's active participation in the Fuel

and Purchased Power Cost Recovery Clause proceedings since the advent of the GPIF, that OPC is fully qualified to research the documents already supplied to it and to extract the items of data listed in OPC's two interrogatories. Moreover, the burden of deriving or ascertaining the answers is substantially the same for OPC as it is for Tampa Electric. In essence, Tampa Electric has already answered OPC's Interrogatories Nos. 3 and 4 in accordance with Rule 1.340(c) by providing OPC all of the records containing the data requested and supplying a witness or witnesses to sponsor those records and answer questions about them. It is simply wrong for OPC to request that the company do this all over again and for a 26 year time frame.

6. Tampa Electric possesses no knowledge superior to that of OPC that would make Tampa Electric any more qualified than OPC to review the already supplied records and extract therefrom whatever information OPC wishes to extract. OPC obviously knows what it wants to extract, as evidenced by the degree of specificity with which OPC has described each data point requested. OPC is just as qualified as Tampa Electric to perform the hugely burdensome task of sifting through 26 years worth of filings and lifting the data points described in OPC's Interrogatories Nos. 3 and 4.

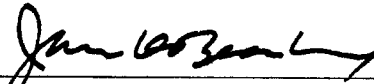
7. OPC's May 15, 2006 petition to modify the GPIF methodology demonstrates that OPC must have already gone through the records previously provided by Tampa Electric and extracted the data OPC now asks Tampa Electric to extract. Otherwise, OPC's sweeping statements in that petition about what the historical GPIF data indicate (petition, paragraph 10, et seq.) appear to be baseless speculation.

WHEREFORE, Tampa Electric Company submits the foregoing objections to OPC's Interrogatories Nos. 3 and 4 and, furthermore, states that it has already answered said

interrogatories under the provisions of Rule 1.340(c), *Florida Rules of Civil Procedure*, over the past 26 years.

DATED this 28th day of August 2006.

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 to Citizens' Second Set of Interrogatories (Nos. 3 and 4), filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 28th day of August 2006 to the following:

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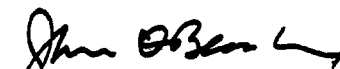
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