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April 22, 1996

HAND DELIVERY

Tallahassee

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

Re: Prudency Review to Determine Regulatory
Treatment of Tampa Electric Company's
Polk Unit; FPSC Docket No. 960409-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 and Motion for Protective Order Relative to Staff's First Set of Interrogatories to Tampa Electric Company (Nos. 1-39).
2. Tampa Electric Company's Objections to Staff's First Request for Production of Documents to Tampa Electric Company (Nos. 1-9) and Motion for Protective Order.
3. Tampa Electric Company's Objections, Motion for Protective Order and Written Response to Public Counsel's First Request for Production of Documents to Tampa Electric (Nos. 1-24).

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
James D. Beasley

DOCUMENT NUMBER-DATE
04616 APR 22 96
1-39
FPSC-RECORDS/REPORTING

DOCUMENT NUMBER-DATE
04617 APR 22 96
FPSC-RECORDS/REPORTING

DOCUMENT NUMBER-DATE
04618 APR 22 96
FPSC-RECORDS/REPORTING

JDB/pp
cc: All Parties of Record (w/encls.)

ACK _____

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
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In re: Prudency Review to Determine)
Regulatory Treatment of Tampa Electric)
Company's Polk Unit.)
_____)

DOCKET NO. 960409-EI

FILED: April 22, 1996

TAMPA ELECTRIC COMPANY'S OBJECTIONS AND MOTION FOR
PROTECTIVE ORDER RELATIVE TO STAFF'S FIRST SET OF
INTERROGATORIES TO TAMPA ELECTRIC COMPANY (NOS. 1-39)

Tampa Electric Company ("Tampa Electric" or the "company"), pursuant to Rules 25-22.034 and 25-22.035(3), Florida Administrative Code and Rules 1.280 and 1.340, Florida Rules of Civil Procedure, hereby submits the following Objections and Motion for Protective Order with regard to Staff's First Set of Interrogatories to Tampa Electric Company (Nos. 1-39).

The 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 discussed at the April 9, 1996 Issue Identification meeting in this docket. Should additional grounds for objection be discovered as Tampa Electric prepares its answers to Staff's First Set of Interrogatories, the company reserves the right to supplement, revise or modify its objections prior to or at the time it files its answers to such interrogatories.

The short response time for objections requires the company's objections to Staff's First Set of Interrogatories to be somewhat broad and protective. Tampa Electric intends to be cooperative and reasonably responsive to these interrogatories.

DOCUMENT NUMBER-DATE

04616 APR 22 96

FPSC-RECORDS/REPORTING

Tampa Electric's objections are submitted pursuant to authority contained in Slatnick v. Leadership Housing Systems of Florida, Inc., So.2d 79 (Fla. 3rd DCA 1979). The extent that a motion for protective order is required, the objections stated herein are to be construed as a request for a protective order.

General Objections

Tampa Electric makes the following general objections to Staff's First Set of Interrogatories.

1. Tampa Electric objects to each and every interrogatory to the extent the same calls for information, the public disclosure of which could adversely affect the ability of Tampa Electric to secure, for the benefit of its customers, favorable legislation or favorable tax treatment. Such information is confidential proprietary confidential business information which is entitled to protection against public disclosure under Section 366.093, Florida Statutes. The company's objection in this regard applies to Interrogatories 11, 32 and 34 of Staff's First Set of Interrogatories. Tampa Electric also objects to the disclosure of such information by way of interrogatory answer on the ground that such disclosure would have a chilling and adverse effect on Tampa Electric's First Amendment right to petition government for relief beneficial to the company and its customers. The company's objections in this regard are specifically applied to Interrogatory No. 34 of Staff's First Set of Interrogatories.

2. Tampa Electric objects to each and every interrogatory and to the extent that such interrogatory 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 interrogatory 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. Tampa Electric will attempt to note each instance where this objection applies.

4. Tampa Electric objects to each and every interrogatory insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

5. Tampa Electric objects to each and every interrogatory to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes.

6. In addition to its general objections, Tampa Electric objects to Interrogatory No. 6 on the ground it is irrelevant to the issues in this docket and is not designed to lead to relevant information. Notwithstanding its objection, Tampa Electric will provide a response to this question.


7. In addition to its general objections, Tampa Electric objects to question 11 as having no reasonable foundation in what would be reasonably possible and is, therefore, irrelevant and not designed to lead to relevant information. This question is predicated on assumptions Tampa Electric cannot accept and would be

unlawful. Tampa Electric has made an investment in gasification technology after this Commission granted a certificate of need for this plant. The plant will be used in the gasification of coal and/or petroleum coke (or other petroleum products) used to generate electricity for the public generally and will be property used and useful in serving the public within the meaning of Section 366.06, Florida Statutes. Consequently, the Commission could not lawfully disallow the inclusion of the company's investment in the gasification facility.

8. In addition to its general objections, Tampa Electric objects to question 34 on the grounds that the discovery of opinions of experts who are not expected to be called as a witness is outside the scope of permissible discovery under Rule 1.280, Florida Rules of Civil Procedure or under Rules 25-22.034 and 25-22.035(3), Florida Administrative Code.

DATED this 22nd day of April, 1996.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Objections to Staff's First Set of Interrogatories to Tampa Electric (Nos. 1-39) and Motion for Protective Order, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 22nd day of April, 1996 to the following:

Mr. Robert V. Elias*
Staff Counsel
Division of Legal Services
Florida Public Service
Commission
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