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Re: Prudency Review to Determine Regulatory Treatment
of Tampa Electric Company's Polk Unit
Docket No. 960409-EI

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and sixteen copies of The Florida Industrial Power Users Group's Response Objection to Tampa Electric Company's Discovery in the above docket.

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

Yours truly,

Vicki Gordon Kaufman
Vicki Gordon Kaufman

VGK/pw
Encls.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 960409-EI
Filed: July 8, 1996

The Florida Industrial Power Users Group's Response
Objection to Tampa Electric Company's Discovery

The Florida Industrial Power Users Group (FIPUG), 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, submits its objection to Tampa Electric Company's (TECO) First Set of Interrogatories to FIPUG (Nos. 1-2). FIPUG submits this objection to preserve its position on this issue. FIPUG will endeavor to work with TECO regarding this dispute.

1. On June 28, 1996, TECO mailed its first set of interrogatories to FIPUG.¹

2. The Order Establishing Procedure in this docket, Order No. PSC-96-0567-PCO-EI, issued on April 30, 1996, provides that all discovery shall be completed by July 10. The Order also provides that discovery shall be answered within 20 days of receipt, which makes the due date for FIPUG's responses to TECO's discovery July 22, well after the July 10 discovery cut off.

3. TECO's discovery is directed to the testimony of FIPUG witness, Mr. Falkenberg. Mr. Falkenberg's testimony was filed on June 3, 1996. Thus, TECO received Mr. Falkenberg's testimony in ample time to review it, to propound discovery to FIPUG and to comply with the discovery deadline set forth in the procedural order.

¹ Though the certificate of service indicates that the interrogatories were hand delivered, they were mailed and not received by FIPUG until July 1, 1996.

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4. TECO's discovery is untimely and TECO has set forth no reason for its failure to seek discovery in accordance with the Order Establishing Procedure. Nor has it sought a modification of the procedural order from the Commission.

WHEREFORE, FIPUG requests that the Commission enter an order relieving it from any obligation to respond to TECO's late discovery.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of The Florida Industrial Power Users Group's Prehearing Statement has been furnished by (*) hand delivery or U.S. mail on this 8th day of July, 1996 to the following:

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