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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Prudence Review to
Determine Regulatory Treatment
of Tampa Electric Company's Polk
Unit

) DOCKET NO. 960409-EI
)
) FILED: July 11, 1996
)
)

STAFF'S OBJECTIONS TO TAMPA ELECTRIC COMPANY'S FIRST SET OF
INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS TO STAFF

Pursuant to Rules 1.340 and 1.350, Florida Rules of Civil Procedure, Rule 25-22.034, Florida Administrative Code, and Order No. PSC-96-0567-PCO-EI, the Staff of the Florida Public Service Commission (Staff) submits its objections to Tampa Electric Company's (TECO) First Set of Interrogatories and First Request for Production of Documents to Staff. Staff objects to these requests for discovery for the following reasons:

1. On June 28, 1996, at 6:30 p.m., TECO attempted service by facsimile of seven interrogatories and two requests for production of documents upon Staff. As the result of an error in the number to which the documents were transmitted, Staff did not receive TECO's requests for discovery until after 9:00 a.m., Monday, July 1, 1996.

2. The Order Establishing Procedure in this docket, Order No. PSC-96-0567-PCO-EI, provides that all discovery must be completed by July 10, 1996. That order also provides that discovery responses must be filed within 20 days of service. Thus, in order to be timely, TECO should have served its discovery requests by June 20, 1996. TECO's interrogatories and requests for production of documents are, therefore, untimely. The responses to these discovery requests will not be due until July 22, 1996.

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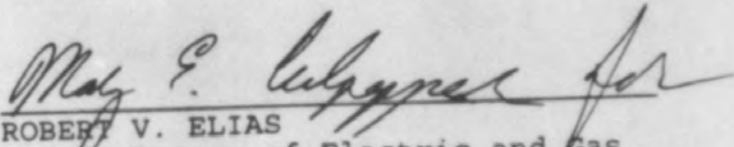
twelve days after the discovery cut-off date and the week following the hearing.

3. Staff specifically objects to Requests for Production of Documents Nos. 1 and 2 to the extent that the requests seek the production of work-product developed in preparation for this case, and as such, deemed confidential by Staff.

4. Staff notes that TECO has requested that this proceeding be conducted in an expedited fashion. "Eleventh hour" discovery requests are not conducive to completing this review in an expedited time-frame. However, without waiving its objections, and with due regard for Staff's response to prepare for the hearing set for next Wednesday, Staff will work with TECO's attorneys to try to provide as much relevant information as possible in the limited amount of time before the hearing on July 17 and 18, 1996.

WHEREFORE, the Staff of the Florida Public Service Commission submits the foregoing Objections to Tampa Electric Company's First Set of Interrogatories and First Request for Production of Documents to Staff and requests that the Commission enter a ruling relieving Staff of any obligation to respond to Tampa Electric Company's untimely discovery requests.

Respectfully submitted,


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