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September 15, 1999

HAND DELIVERED

RECORDS AND REPORTING

SEP 15 PM 4:52

REC'D - FPSC

ORIGINAL

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

Re: Generic Investigation into Aggregate Electric Utility Reserve Margins Planned for Peninsular Florida; FPSC Docket No. 981890-EI

Dear Ms. Bayo:

Enclosed for filing in this docket are the original and fifteen (15) copies of Supplement to Tampa Electric Company's Objection to LEAF's First Interrogatories to Tampa Electric Company (Nos. 1-14).

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

AFA	<u>2</u>	
APP	_____	JDB/pp
CAF	_____	Enclosures
CMU	_____	
CTR	_____	
EAG	<u>14</u>	cc: All Parties of Record (w/enc.)
LEG	<u>1</u>	
MAS	<u>5</u>	
OPC	_____	
PAI	<u>2</u>	RECEIVED & FILED
SEC	<u>1</u>	
WAW	_____	
OTH	_____	FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11089 SEP 15 99

FPSC RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Generic investigation into the)
aggregate electric utility reserve)
margins planned for Peninsular)
Florida.)
_____)

DOCKET NO. 981890-EU
FILED: September 15, 1999

**SUPPLEMENT TO TAMPA ELECTRIC COMPANY'S
OBJECTION TO LEAF'S FIRST INTERROGATORIES
TO TAMPA ELECTRIC COMPANY (NOS. 1-14)**

Tampa Electric Company ("Tampa Electric" or "the company") supplements the objection filed September 7, 1999 to LEAF's First Interrogatories to Tampa Electric Company (Nos. 1-14), and says:

1. This proceeding was commenced as a Commission investigation and not an adjudication. The investigation is preliminary to agency action. (The Commission has not taken agency action or proposed agency action.) Section 120.57(5), Florida Statutes, makes it very clear that Section 120.57 does not apply to agency investigations preliminary to agency action. As such, the investigation in this docket is not to be conducted as a Section 120.57 proceeding.

2. It is also clear under the Uniform Rules of Procedure, adopted pursuant to the Administrative Procedures Act ("APA"), that the rules governing decisions determining substantial interests, Chapter 28-106, do not apply to "agency investigations or determinations of probable cause preliminary to agency action." Rule 28-106.101, Florida Administrative Code.

3. Discovery under the Uniform Rules is available only in connection with decisions determining substantial interests under Chapter 28-106. Consequently, discovery is inappropriate in an investigation since it is not a proceeding in which substantial interests are being determined.

DOCUMENT NUMBER-DATE

11089 SEP 15 99

FILED BY: [unclear]

4. Based on the foregoing Tampa Electric objects to all of LEAF's First Interrogatories to Tampa Electric Company (Nos. 1-14) as being inappropriate in this general investigative proceeding.

WHEREFORE, Tampa Electric Company submits the foregoing supplement to its objection to LEAF's First Interrogatories to Tampa Electric Company (Nos. 1-14).

DATED this 15th day of September 1999.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Objection to LEAF's Interrogatory No. 10, filed on behalf of Tampa Electric Company, has been served by U. S. Mail or hand delivery(*) on this 15th date of September 1999 to the following:

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