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RECORDS AND REPORTING

September 20, 1999

HAND DELIVERED

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

Re: Investigation into Earnings for 1995 and 1996 of Tampa Electric Company; FPSC
Docket No. 950379-EI

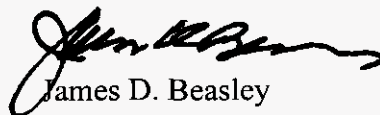
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Objections, Motion for Protective Order and Written Response to the Florida Industrial Power User Group's First Set of Interrogatories (Nos. 1-10) and Motion for Protective Order.

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 *Stemke*
 - APP
 - CAF
 - CMU *JDB/pp*
 - CTR *Enclosures*
 - EAG *2*
 - LEG *cc:*
 - MAS
 - OPC
 - PAI
 - SEC *1*
 - WAW
 - OTH
- All Parties of Record (w/enc.)

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11275 SEP 20 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into earnings)
for 1995 and 1996 of Tampa)
Electric Company.)
_____)

DOCKET NO. 950379-EI

FILED: September 20, 1999

**TAMPA ELECTRIC COMPANY'S OBJECTIONS,
MOTION FOR PROTECTIVE ORDER AND WRITTEN RESPONSE
TO THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
FIRST SET OF INTERROGATORIES (NOS. 1-10) AND
MOTION FOR PROTECTIVE ORDER**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to the Commission's Order Establishing Procedure (Order No. PSC-96-0272-PCO-EI, dated February 26, 1996), submits the following Objections and Motion for Protective Order in response to Florida Industrial Power Users Group's ("FIPUG") First Set of Interrogatories to Tampa Electric Company (Nos. 1-10) and, as grounds therefor, says:

Preliminary Nature of These Objections

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 set forth in the Commission's Order Establishing Procedure in this docket. Should additional grounds for objections be discovered as Tampa Electric attempts to prepare its answers to interrogatories in this proceeding, the company reserved the right to supplement or advise or modify its objections prior to the time it serves answers to interrogatories. Should Tampa Electric determine that a further protective order is necessary with respect to any of the information requested by FIPUG, Tampa Electric reserves the right to file a motion

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11275 SEP 20 99

FPSC-RECORDS/REPORTING

with the Commission seeking such an order at the time it serves it written answers to FIPUG.

GENERAL OBJECTIONS

Tampa Electric makes the following general objections to FIPUG's First Set of Interrogatories in this proceeding:

1. Tampa Electric objects to each and every discovery request to the extent such request calls for information which is exempt from discovery by virtue of the attorney/client privilege, work product privilege, or other applicable privilege.

2. Tampa Electric objects to each and every discovery request insofar as the request is vague, ambiguous, overly broad, imprecise or utilizes terms that are subject to multiple interpretations but are not properly defined or explained. Any response produced by Tampa Electric to FIPUG's discovery requests will be provided subject to, and without waiver of, the foregoing objections.

3. Tampa Electric objects to each and every discovery request 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 request insofar as it seeks to impose obligations on Tampa Electric which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

5. Tampa Electric objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available to FIPUG through normal procedures.

6. Tampa Electric objects to each and every discovery request to the extent that responding to the request would be unduly burdensome, expensive, oppressive, or excessively time consuming.

7. Tampa Electric objects to each discovery request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. To the extent that FIPUG's discovery requests call for the production of information which is not subject to the trade secrets privilege, but nevertheless is proprietary confidential business information, Tampa Electric will make such information available to FIPUG pursuant to an appropriate non-disclosure agreement, subject to any other general or specific objections contained herein.

8. Tampa Electric is a large corporation with employees located in many different locations. In the course of its business, Tampa Electric creates numerous documents that are not subject to Florida Public Service Commission or other governmental records retention requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document may be provided in response to these discovery requests. Rather these responses provide all of the information obtained by Tampa Electric after a reasonable and diligent search conducted in connection with this discovery request. This includes all files that are reasonably expected to contain the requested information. To the extent that the discovery requests purpose to require more, Tampa Electric objects on the grounds that compliance would impose an undue burden or expense on the company.

Motion for Protective Order

9. Tampa Electric's objections to FIPUG's discovery requests are submitted pursuant to the authority contained in Slatnick v. Leadership Housing Systems of Florida, Inc., 368 So.2d 79 (Fla. 3rd DCA 1979). To the extent that a Motion for Protective Order is required, Tampa Electric's objections are to be construed as a request for a Protective Order.

Objections to Specific Requests

10. Tampa Electric objects to Interrogatory No. 1 on the ground that responding to this interrogatory would be unduly burdensome and would require Tampa Electric to engage in significant and time-consuming research, analysis and reporting of information having no relevance to the subject matter of this proceeding.

11. Tampa Electric objects to Interrogatory No. 2 on the ground that it calls for information that is not relevant to the subject matter of this proceeding nor would the information be likely to lead to the discovery of admissible evidence.

12. Tampa Electric objects to Interrogatory No. 3 on the ground that it calls for information that is not relevant to the subject matter of this proceeding nor would the information be likely to lead to the discovery of admissible evidence.

13. Tampa Electric objects to the second question in Interrogatory No. 7 as calling for a legal analysis. Tampa Electric is not required to perform FIPUG's legal analysis in responding to interrogatories.

14. Tampa Electric objects to Interrogatory No. 8 in that it calls for Tampa Electric to perform an analysis which FIPUG, itself, presumably is capable of performing. Tampa Electric

also objects on the grounds that the term "detailed analysis" is vague. The document referred to in this interrogatory speaks for itself and requires no further analysis by Tampa Electric.

15. In Interrogatory No. 9 FIPUG requests elaboration on Tampa Electric's characterization of a document offered by FIPUG as constituting fantasy. The document in question contains many errors. However, Tampa Electric objects to FIPUG's demand for elaboration on the ground that it calls for information which is protected and privileged as attorney/client communication and work product. This is no different than a party seeking through discovery a list of all cross examination questions which an adversary might be planning in preparation for trial. This is inappropriate and not required under the rules of discovery.

WHEREFORE, Tampa Electric submits the foregoing as its Objections and Motion for Protective Order relative to FIPUG's First Set of Interrogatories (Nos. 1-10).

DATED this 20th day of September 1999.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

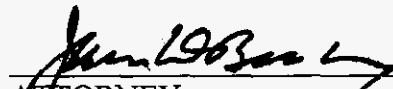
I HEREBY CERTIFY that a true copy of the foregoing Objections and Motion for Protective Order relative to FIPUG's First Set of Interrogatories (Nos. 1-10), filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 20th day of September, 1999 to the following:

Mr. Robert V. Elias*
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