

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of experimental Rider FTA-2 (Firm Transportation Aggregation Service 2), and modifications to imbalance cashout provisions of Rider FTA program, by Peoples Gas System

DOCKET NO. 990935-GU

FILED: January 24, 2000

STAFF'S OBJECTION TO PEOPLES GAS SYSTEM'S FIRST SET OF INTERROGATORIES TO COMMISSION STAFF AND FIRST REQUEST TO COMMISSION STAFF FOR PRODUCTION OF DOCUMENTS AND MOTION FOR PROTECTIVE ORDER

The Staff of the Florida Public Service Commission, pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.280(c), 1.340(a), and 1.350(b), Florida Rules of Civil Procedure, by and through its undersigned attorney, hereby objects to Peoples Gas System's First Set of Interrogatories to Commission Staff (Nos. 1-17) and First Request to Commission Staff for Production of Documents (Nos. 1-10) and requests that the Prehearing Officer issue a protective order relieving Staff from the responsibility of responding to the interrogatories. As grounds therefore, Staff states:

FA _____
DP _____
AF _____
MJ _____
TR _____
AG _____
EG _____
AS 5 _____
FD _____
FR _____
BC 1 _____
MW _____
TH _____

1. On July 19, 1999, Tampa Electric Company d/b/a/ Peoples Gas System ("Peoples Gas") filed a petition for approval of an experimental Firm Transportation Aggregation 2 ("FTA-2") Rider. The petition, as amended on August 18, 1999, was set for a full

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evidentiary hearing by Order No. PSC-99-2122-PCO-GU, issued October 25, 1999.

2. In setting this petition for hearing, the Commission expressed its concern over allegations that Peoples Gas' marketing affiliate, TECO Gas Services, had already effectively gained control of the market for transportation service by soliciting and reaching agreements with new gas customers along the route of Peoples Gas' new pipeline extension in southwest Florida, prior to approval of the proposed Rider FTA-2. Order No. PSC-99-2122-PCO-GU, at 3. The Commission noted that if these allegations prove true, customers seeking transportation service under Rider FTA-2 may have a limited choice of marketers and suppliers and may see few competitive offers for gas supply. Id.

3. On January 13, 2000, Peoples Gas filed its First Set of Interrogatories to Commission Staff (Nos. 1-17) and First Request to Commission Staff for Production of Documents (Nos. 1-10), which are attached hereto as Exhibit A. Although these discovery requests are, by title, directed at the Commission Staff, Peoples Gas' First Set of Interrogatories asks for information in the possession, custody, or control of the Commission Staff or the Commission.

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4. Pursuant to Rule 28-106.206, Florida Administrative Code, parties may obtain discovery through the means and in the manner provided in the Florida Rules of Civil Procedure. Rule 1.280(b), Fla.R.Civ.P., provides that parties may obtain discovery regarding any relevant matter, as long as the information sought appears to be "reasonably calculated to lead to the discovery of admissible evidence." However, Rule 1.280(c), Fla.R.Civ.P., allows persons from whom discovery is sought to move for a protective order to protect them "from annoyance, embarrassment, oppression, or undue burden or expense"

5. As set forth in detail below, Staff objects to each of Peoples Gas' discovery requests and asks that the Prehearing Officer issue a protective order relieving Staff from the responsibility of responding to the interrogatories¹ on the grounds that they cause an undue burden on Staff by impinging upon Staff's role as an advisor to the Commission, improperly seek analysis and

¹Staff has treated Peoples Gas' First Request to Commission Staff for Production of Documents as a public records request made pursuant to Section 119.07, Florida Statutes. All of the Commission's public records responsive to Peoples Gas' formal document request have been made available for review and copying by Peoples Gas. Although these documents have been provided, Staff seeks a ruling by the Prehearing Officer, consistent with past Commission orders, that Staff is not required to respond to formal discovery requests directed at non-testifying staff members.

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conclusions from Staff on a pending matter, and seek protected work product.

6. Peoples Gas' First Set of Interrogatories to Commission Staff (Nos. 1-17) essentially asks for the following:

- (a) information about Staff's review of the allegations concerning TECO Gas Services' marketing activities (Nos. 13-15);
- (b) information that Staff has gathered in its review of this docket, specifically that evidence which Staff intends to use at hearing in this docket (Nos. 1-6, 8, 11, 13);
- (c) mental impressions concerning Peoples Gas' proposed tariff (No. 9);
- (d) legal analysis and conclusions concerning the implications of TECO Gas Services' marketing efforts (Nos. 16-17); and
- (e) details of all communications made by Staff since January 1, 1999, concerning Peoples Gas' Rider FTA, Peoples Gas' Rider FTA-2, or the transportation of natural gas on Peoples Gas' system (Nos. 1-7, 10-12).

7. Pursuant to the Commission's Statement of Agency Organization and Operations (1999), Staff's primary duty is to "represent the public interest and see that all relevant facts and

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issues are clearly brought before the Commission for its consideration." (See p.11, Parties) However, Staff is not a real party in interest in any proceeding before the Commission. South Florida Natural Gas Co. v. Public Service Commission, 534 So. 2d 695 (Fla. 1988). One of Staff's primary functions is to provide legal and technical advice on matters pending before the Commission. The Commission uses its staff to "test the validity, credibility, and competence of the evidence presented." South Florida Natural Gas, at 698.

8. Rule 25-22.033(5), Florida Administrative Code, prohibits a staff member who testifies in a case from discussing the merits of that case with any Commissioner during the pendency of that case. This prohibition extends to participating in the preparation of recommendations and at the agenda conference. Further, Section 120.66(1), Florida Statutes, permits only advisory staff members who do not testify on behalf of the Commission in a formal proceeding to communicate with the Commissioners.

9. If Staff is required to respond to these discovery requests and Staff's responses are introduced as evidence, those Staff members responding could not perform their advisory function because they would be excluded from further participation in analysis of the case and preparation of Staff's recommendation. In

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addition, subjecting Staff to these discovery requests could have a chilling effect in that Staff members might become hesitant to form any kind of opinion or conduct fact-finding in future cases if their opinions or fact-finding efforts would subject them to compelled discovery or testimony.

10. Peoples Gas' requests for information that Staff has gathered in its review, specifically that evidence which Staff intends to use at hearing in this docket, is, by its own terms, a request for work product. This information was gathered by Staff in preparation for hearing in this docket. Peoples Gas cannot demonstrate that it is unable to obtain this information through other means without undue hardship, so it should not be permitted to compel Staff to provide this information for them.²

11. Staff's mental impressions concerning the proposed tariff and legal analysis concerning the implications of TECO Gas

²Staff is unaware of any independent efforts made by Peoples Gas to test these allegations, which were openly discussed in the presence of Peoples Gas at the Commission's October 5, 1999, Agenda Conference. Staff notes that these allegations involve a company that is affiliated with and shares an office building with Peoples Gas; thus, Peoples Gas should face no difficulty in investigating these allegations without the need to request Staff work product. Regardless, all documents related to the information requested in Peoples Gas' First Set of Interrogatories to Commission Staff have been made available in response to Peoples Gas' document request, with the exception of case strategy notes and draft testimony.

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Services' marketing efforts are protected from discovery, without exception, under the provisions of Rule 1.280(b)(3), Fla.R.Civ.P.

12. Staff has not filed testimony in this proceeding. If the parties' prefiled testimony does not provide an adequate record basis for comprehensive consideration of the matters at issue, Staff may file appropriate testimony to assure an adequate record. In the event Staff files testimony in this proceeding, discovery requests may be properly served upon those individuals who file testimony.

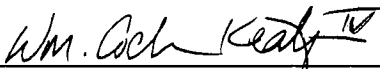
13. The Commission has consistently recognized the concerns raised in this pleading by Staff in past orders protecting non-testifying members of Staff from discovery, including interrogatories, depositions, and requests for admissions. See Order No. PSC-97-1372-PHO-EQ, issued October 29, 1997, in Docket No. 961184-EQ; Order No. PSC-94-1562-PCO-WS, issued December 14, 1994, in Docket No. 930945-WS; Order No. PSC-95-0137-PCO-SU, issued January 27, 1995, in Docket No. 940963-SU; Order No. PSC-94-0425-PCO-WS, issued April 11, 1994, in Docket No. 930880-WS; and Order No. 17910, issued July 27, 1987, in Docket No. 860960-WS.

WHEREFORE, the Staff of the Florida Public Service Commission requests that the Prehearing Officer issue a protective order relieving Staff from the undue burden of responding to Peoples Gas

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System's First Set of Interrogatories to Commission Staff and First
Request to Commission Staff for Production of Documents.

Respectfully submitted this 24th day of January, 2000.



WM. COCHRAN KEATING IV
Staff Counsel
Florida Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(904) 413-6199

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of experimental Rider FTA-2 (Firm Transportation Aggregation Service 2), and modifications to imbalance cashout provisions of Rider FTA program, by Peoples Gas System

DOCKET NO. 990935-GU

FILED:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one true and correct copy of Staff's Objection to Peoples Gas System's First Set of Interrogatories to Commission Staff and First Request to Commission Staff for Production of Documents and Motion for Protective Order has been furnished by U.S. Mail this 24th day of January, 2000, to the following:

Ansley Watson, Jr, Esquire
MacFarlane Ferguson & McMullen
P.O. Box 1531
Tampa, Florida 33601



WM. COCHRAN KEATING IV
Staff Counsel

Florida Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(904) 413-6199

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of experimental)
 Rider FTA-2 (Firm Transportation)
 Aggregation Service 2), and modifications)
 to imbalance cashout provisions of Rider)
 FTA program, by Peoples Gas System.)
 _____)

Docket No. 990935-GU

**PEOPLES GAS SYSTEM'S FIRST REQUEST TO
 COMMISSION STAFF FOR PRODUCTION OF DOCUMENTS**

Peoples Gas System ("Peoples"), by its undersigned attorneys, and pursuant to Fla. R. Civ. P. 1.350, requests that the Staff of the Florida Public Service Commission ("Staff") produce the below-described documents and things for inspection and/or copying, or such other uses as are permitted by the applicable rules of civil procedure and of the Florida Public Service Commission (the "Commission"), at the offices of Staff in Tallahassee, Florida, within ten (10) days of service of this request.

Definitions and Instructions

Unless otherwise indicated, the following definitions and instructions apply to this Request for Production:

1. a. "You" or "your" mean the Staff (*i.e.*, persons employed by the Commission) and the Commission, as well as all other persons over whom you have control or authority or who are or were acting or purporting to act on your behalf during the time period referred to hereinafter.
- b. "Natural gas marketing company" means any person engaged in the business of selling natural gas, or soliciting sales of natural gas, and specifically includes any person making

sales of natural gas to, or acting as a Pool Manager (as defined in Peoples' Riders FTA or FTA-2) for, customers participating in aggregated transportation service under Peoples' Riders FTA or FTA-2.

2. The word "person" means any person and includes natural persons, corporations, partnerships, associations, joint venturers, firms, and other enterprises or legal entities, and includes both the singular and the plural, the masculine and the feminine.

3. The word "files" means all methods of arranging or storing papers, records, documents or other recordings of data (whether contained in folders, cabinets, or other containers, whether recorded on magnetic cards, tapes or discs, or any other media), which are or have been maintained by you for your use or on your behalf for preservation or reference.

4. The word "communication" means any transmission, sharing or exchange of information, including any oral statement, dialogue, colloquy, discussion, correspondence, or conversation, and any transfer of thoughts or ideas between persons by means of documents, and any transfer of data or information from one location to another by electrical, light impulse or similar means.

5. The words "document" or "documents" mean the original (or, if the original is not available, then a copy) and each draft of any and all written, printed, typed, reported, recorded, graphic or other representation or presentation of information, however produced or stored, of any type, or description, including all photographic matters or sound reproduction tapes, records or other devices, however produced or reproduced, within your actual or constructive possession, custody, or control. "Document" or "documents" shall include, but is not limited to, all correspondence, telegrams, telexes, cables, telephone records, memoranda, notes or memoranda of telephone

conversations or meetings, electronic mail (E-mail, voice-mail, etc.), facsimile transmissions, transcripts, computer printouts, reports, files, tests, samples, studies, compilations of data, computer programs or other software material, digital, optical or stored data or information, computer tapes or disks, zip, hard, network or other drives, print-outs of hard disk material, filings, records, charts, brochures, lists, analyses, graphs, diagrams, drawings, photographs, tables, schedules, cost estimates, worksheets, books, expenses, reports, reports or memoranda pertaining to visits or telephone calls; notebooks, diaries, calendars, day timers, appointment books, logs, books of account, ledgers, journals and financial statements, other financial records, audits, profit and loss statements, annual reports, state and federal tax returns, checkbooks, checks, canceled checks, personnel files, payroll records, billings, invoices or statements, price lists, price quotations, credit memoranda, purchase orders, receipts, press releases, photographs, newspaper clippings, handbills or written advertisements, contracts or agreements, and any drafts, copies or reproductions of the foregoing, whether used or not, as well as any drafts of the foregoing upon which notations in writing have been made which do not appear on the originals. Without limitation of the term "control" as used in the preceding sentences, a document is deemed to be in your control if you have the right to secure the document or a copy thereof. If multiple copies of a document exist, each copy which is in any way not completely identical to a copy which is being produced should also be produced.

6. If any document requested was, but is no longer in your possession or custody or subject to your control as defined herein, state what disposition was made of it, and the date or dates, or approximate date or dates, in which such disposition was made.

7. The word "produce" means to make available the documents requested herein for inspection and copying and to separate such documents into the categories set forth in this request;

if you decline to produce any document requested herein on the basis of any asserted privilege, at the time of production please provide the following written information pertaining to such documents.

- i. Its date, or, if not dated, the date it was prepared or received;
- ii. The type of document (e.g., letter, memorandum, telegram, photograph, reproduction);
- iii. The author, addressee and other named recipients;
- iv. Its present location;
- v. The identity of the person or persons presently custodian or custodians thereof.
- vi. A general description of its contents;
- vii. The identity of each person who received a copy of such document and the relationship of such person to you;
- viii. Whether such documents contain or relate to facts or opinions, or both; and,
- ix. The nature of the privilege (e.g., work product, attorney-client, etc.) that you claim with respect to such document.

8. The word "including" is not limiting.

9. "Involving" and/or "regarding" (or variations of those words) means, in whole or in part, relating to, including, memorializing, recording, reflecting, analyzing, involving, discussing, reviewing, referencing, evidencing, planning, concerning, or any similar concept.

10. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by a change in tense.

Documents to be Produced

1. All documents or communications you received from January 1, 1999 through and including the date production is made pursuant to this request regarding:
 - (a) TECO Gas Services
 - (b) Jeff Householder
 - (c) Mark Haney
 - (d) Larry Jackson
 - (e) Any past or current employee of TECO Gas Services

2. All documents, communications or files you prepared from January 1, 1999 through and including the date production is made pursuant to this request regarding:
 - (a) TECO Gas Services
 - (b) Jeff Householder
 - (c) Mark Haney
 - (d) Larry Jackson
 - (e) Any past or current employee of TECO Gas Services

3. All documents or communications you received from January 1, 1999 through and including the date production is made pursuant to this request regarding complaints made (whether to you or to other persons) regarding Peoples' Rider FTA, the service provided or to be provided thereunder, or the implementation thereof.

4. All documents, communications or files you prepared from January 1, 1999 through and including the date production is made pursuant to this request regarding complaints made (whether to you or to other persons) regarding Peoples' Rider FTA, the service provided or to be provided thereunder, or the implementation thereof.

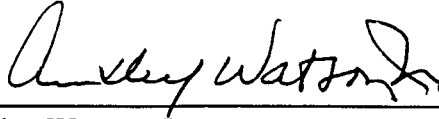
5. All documents or communications you received from January 1, 1999 through and including the date production is made pursuant to this request regarding Peoples' Rider FTA-2 or the service proposed or provided thereunder.

6. All documents, communications or files you prepared from January 1, 1999 through and including the date production is made pursuant to this request regarding Peoples' Rider FTA-2 or the service proposed or provided thereunder.
7. To the extent not produced in response to paragraphs 1 through 6 above, all documents or communications you received from or directed to, from January 1, 1999 through and including the date production is made pursuant to this request, any natural gas marketing company or any employee or representative thereof.
8. To the extent not produced in response to paragraphs 1 through 6 above, all documents or communications you received from or directed to, from January 1, 1999 through and including the date production is made pursuant to this request, any customer or potential customer of Peoples Gas System.
9. To the extent not produced in response to paragraphs 1 through 7 above, all documents, communications or files received or prepared by you from January 1, 1999 through and including the date production is made pursuant to this request regarding Peoples Gas System, or any employee or representative of Peoples Gas System, excluding, for purposes of this paragraph 8 only (a) any such documents, communications or files received or prepared in, or regarding, FPSC Dockets Nos. 981591-EG, 990002-EG, 990003-GU, 990921-GU, 991758-GU, 000002-EG and 000003-GU, (b) the originals and copies of any such documents or communications (i) filed by Peoples Gas System with the Commission's Division of Records and Reporting and (ii) currently in the custody of the Commission's Division of Records and Reporting, and (c) the originals and copies of any such documents or communications (i) filed by any person other than Peoples Gas System with the Commission's Division of Records and Reporting in FPSC Docket No. 960725-GU and (ii) currently in the custody of the Commission's Division of Records and Reporting.
10. All documents, communications or files you prepared or received from August 21, 1997 through and including the date production is made pursuant to this request regarding City Gas Company of Florida's Small Commercial Transportation Service Rate Schedule (SCTS) and/or FPSC Docket Nos. 971084-GU or 982003-GU.

Ansley Watson, Jr.
Macfarlane Ferguson & McMullen
P. O. Box 1531, Tampa, Florida 33601-1531
Telephone: (813) 273-4200 or -4321
Facsimile: (813) 273-4396 or -4397
Attorneys for Peoples Gas System

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing request has been furnished, via facsimile to (850) 413-6194, and via regular U.S. mail, to W. Cochran Keating, IV, Esquire, Staff Counsel, Florida Public Service Commission, Capital Circle Office Center, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, this 13th day of January, 2000.



Ansley Watson, Jr.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of experimental)
Rider FTA-2 (Firm Transportation)
Aggregation Service 2), and modifications)
to imbalance cashout provisions of Rider)
FTA program, by Peoples Gas System.)
_____)

Docket No. 990935-GU

PEOPLES GAS SYSTEM'S FIRST SET OF INTERROGATORIES TO COMMISSION STAFF

Peoples Gas System ("Peoples"), by its undersigned attorneys, propounds the attached interrogatories, numbered 1 through 17 inclusive, to the Staff of the Florida Public Service Commission, to be answered under oath within ten (10) days of the service thereof.

GENERAL INSTRUCTIONS FOR ANSWERING INTERROGATORIES

a. Each Interrogatory calls for information in the possession, custody or control of the Staff of the Florida Public Service Commission (the "Staff"), or in the possession, custody or control of the Florida Public Service Commission (the "Commission"), unless privileged or otherwise protected from disclosure.

b. With respect to any information that is withheld on a claim of privilege, provide at the time of responding to these Interrogatories, a statement signed by an attorney representing Staff or the Commission setting forth as to each such item of information withheld:

- a. the identity of the person(s) having knowledge of the information;
- b. the identity of all persons to whom the information was communicated or otherwise available and the date(s) of the communication(s);
- c. the job title or position of every person identified in response to paragraphs a. and b. above;

d. the date(s) on which the information was received or became known by each person having knowledge of its existence;

e. a brief description of the nature and subject matter of the information; and

f. the statute, rule or decision that is claimed to give rise to the privilege.

c. If an objection is made to an Interrogatory or any portion thereof, the Interrogatory or portion thereof shall be specified as to each, and all reasons for the objection shall be stated fully by the responding party.

d. If all of the information furnished in an answer to all or any part of an Interrogatory is not within the personal knowledge of the person signing these Interrogatories, identify each person from whom all or any part of the information was obtained.

e. If the answer to all or part of the Interrogatory is not presently known or available, include a statement to that effect and furnish the information known or available.

f. The following definitions are intended whenever these words appear:

a. The term "you" or "your" means the Commission and the Staff.

b. The term "natural gas marketing company" means any person engaged in the business of selling natural gas, or soliciting sales of natural gas, and specifically includes any person making sales of natural gas to, or acting as a Pool Manager (as defined in Peoples' Riders FTA or FTA-2) for, customers participating in aggregated transportation service under Peoples' Riders FTA or FTA-2.

c. The term "document" means and includes all written, typewritten, drawn, or printed materials, whatsoever, or copies of original documents, all information kept or recorded on magnetic or electronic media, however the same are produced or reproduced that are in your actual

or constructive custody, possession, or control; including, but not limited to correspondence, letters, agreements, contracts, memoranda of agreement, telegrams, inter-office communications, deeds, deeds of trust, leases, assignments, licenses, memoranda, notes, reports, records, books of account, financial statements forecasts, proposals, scrapbooks, diaries, logs, articles of incorporation, bylaws, minutes, minute books, plans, drawings, sketches, blueprints, photographs, charts, maps, graphs, curves, diagrams, descriptions, invoices, bills of lading, manifests, receipts, consignment tickets, requisitions, motion pictures, videotapes, statements, bills, checks, check stubs, vouchers, recordings, transcripts, studies, analyses, surveys, publications, writings, printed matter, papers, computation sheets, data sheets, computer printouts, computer programs, catalogs, brochures, reprints, tables, records of oral communications, tape and microfilm recordings, rules and regulations, whether in proposed or final forms, and all other written, recorded, photographic, photocopies or computer related materials, of which the party has any knowledge or information, whether in their possession or not, and includes, without limitation, originals, copies (whether typewritten, handwritten, photostatic, photographic or electronic), no matter how or by whom prepared, and all drafts prepared in connection with such writings or documents, whether used or not.

d. "Communication" includes all conversations, written or oral, meetings, memoranda, correspondence, conferences, and any other means or manner by which information is or was communicated to or received from others.

e. "Person" means any person and includes natural persons, corporations, partnerships, associations, joint ventures, firms, and other enterprises or legal entities, and includes both the singular and plural, the masculine and feminine.

f. The words "and" and "or" shall be construed either conjunctively or

disjunctively as necessary to bring within the scope of these requests what might otherwise be construed to be outside their scope and should be interpreted broadly and not restrictively.

g. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by a change in tense.

h. “identify” or “identity” means:

- (1) with respect to a natural person, the full name, present personal and business addresses and telephone numbers and, where applicable, job title and place of employment. If this information is not known, furnish such information as was last known;
- (2) with respect to a business entity, its full name, form of organization (i.e., corporation, partnership, etc.), and address of its principle place of business. If this information is not known, furnish such information as was last known;
- (3) with respect to a document, the title or caption, the date, the author, the addressee(s), the person(s) to whom sent, the subject matter and the custodian; and
- (4) with respect to an act, activity, omission, event, conversation or communication, means to state the identity of each person who participated or witnessed or overheard such event, et al.; the substance of the event, et al.; all persons having knowledge; and identify each document which describes or relates to it.

5. At the Commission's October 5, 1999 Agenda, Staff stated during the discussions relating to Peoples' filing in this docket that the Staff was aware that certain of Peoples' existing sales service customers desired to convert from sales service to transportation service. Please state:

- a. the name of each person referred to in Staff's statements referenced above
- b. with respect to each person identified, the date on which Staff became aware the person desired to convert from sales service to transportation service
- c. the manner in which Staff became aware the person desired to convert from sales service to transportation service
- d. if Staff's statements were based on representations by one or more representatives of a natural gas marketing company that they had identified existing Peoples sales service customers who desired to convert from sales service to transportation service, the name(s) of the representative(s) of the natural gas marketing company who made such representations, and the name of the natural gas marketing company by which each such representative was employed at the time the representations were made to you.

6.. To the extent Staff has become aware of existing Peoples sales service customers, not identified in the response to Interrogatory 5 above, whom Staff believes desire to convert from sales service to transportation service, please state:

- a. the name of each such person

- b. with respect to each such person, the date on which Staff determined that such person desired to convert from sales service to transportation service
 - c. how Staff made the determination that such person desired to convert from sales service to transportation service
 - d. if Staff's determination was based on representations by one or more representatives of a natural gas marketing company that they had identified existing Peoples sales service customers who desired to convert from sales service to transportation service, the name(s) of the representative(s) of the natural gas marketing company who made such representations, and the name of the natural gas marketing company by which each such representative was employed at the time the representations were made to you.
7. With respect to each existing Peoples sales service customer identified in your response to Interrogatories 5 and 6 above:
- a. Was Peoples advised by Staff that Staff had determined that such customer desired to convert from sales service to transportation service?
 - b. If the answer to Interrogatory 7.a. above is affirmative, on what date was Peoples so notified?
8. Please list each item of evidence on which you intend to rely, at the hearing to be held in this docket, to demonstrate that Peoples' experimental Rider FTA-2 is not in the public interest.

9. Please describe in detail your views of the material differences between Peoples' Rider FTA-2 and each of the following:
 - a. City Gas Company of Florida's Experimental Small Commercial Transportation Service Rate Schedule (SCTS)
 - b. City Gas Company of Florida's Small Commercial Transportation Service Rate Schedule (SCTS) as approved on a permanent basis by the Commission's Order No. PSC-99-0484-FOF-GU, issued March 8, 1999.
10. Did Staff encourage natural gas marketing companies or their representatives to continue marketing natural gas for transportation under Peoples' Rider FTA (or any other program for the firm transportation of natural gas on Peoples' distribution system) after Peoples' Rider FTA became fully subscribed as of April 30, 1999? If the answer to this interrogatory is affirmative, please describe in detail when and how Staff conveyed such encouragement.
11. Has Staff received from any natural gas marketing company (or any representative of a natural gas marketing company), since April 30, 1999, any list of Peoples' existing sales service customers waiting to obtain transportation service on Peoples' distribution system under Rider FTA? If so, please provide a copy of each such list.
12. Has Staff taken any action to discourage participation, or sales of natural gas to persons within Peoples' service territory, by natural gas marketing companies under Peoples' Rider FTA-2? If so, please describe in detail when and how Staff conveyed such discouragement.

13. Please identify in detail the sources of the allegations referenced in the Staff Recommendation dated September 23, 1999, and in Staff's Motion for Continuance of Hearing, regarding the activities of TECO Gas Services, and as to each such source describe in detail the allegations made, to whom such allegations were made, whether such allegations were made in writing, and the date(s) on which such allegations were made.

14. With respect to the allegations regarding the activities of TECO Gas Services referenced in Interrogatory 13, please describe in detail each effort Staff made to verify, validate or substantiate the truth or falsity of such allegations prior to including such allegations in the Staff Recommendation in this docket.

15. With respect to the allegations regarding the activities of TECO Gas Services referenced in Interrogatory 13, please describe in detail each effort Staff has made, from the date of the Staff Recommendation in this docket up to and including the date of your answers to these interrogatories, to verify, validate or substantiate the truth or falsity of such allegations.

16. Please identify each statute, rule or policy which the activities of TECO Gas Services referenced in Interrogatory 13, if substantiated, would violate.

17. The activities of TECO Gas Services referenced in Interrogatory 13 are not mentioned in Staff's Prehearing Statement or in the current version of the draft Prehearing Order in this docket. Please explain the relevance of such activities, if substantiated, to the Commission's decision on the issue identified for the hearing in this docket.

I hereby certify that the foregoing Answers to Interrogatories are true and correct to the best of my knowledge and belief.

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____
_____ who, being first duly sworn, deposes and says that the above Answers to
Interrogatories are true and correct as Affiant is informed and believes.

SWORN TO AND SUBSCRIBED before me this _____ day of _____,
2000.

Notary Signature

Notary Name Printed (or Typed)

Serial/Commission Number and
Expiration Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a the original and one copy of the foregoing Interrogatories numbered 1 through 17 have been furnished by U. S. Mail (and a copy thereof by facsimile) to W. Cochran Keating, IV, Esquire, Staff Counsel, Florida Public Service Commission, Capital Circle Office Center, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, this 13TH day of January, 2000.



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