

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

February 17, 2000

ORIGINAL
RECORDS AND REPORTING

FEB 17 PM 4:27

RECEIVED-FPSC

BY HAND DELIVERY

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

Re: Petition by Tampa Electric Company for Approval of Plan to Bring
Generating Units into Compliance with Clean Air Act; Docket No. 992014-EI

Dear Ms. Bayo:

Enclosed for filing on behalf of Tampa Electric Company are the original and fifteen (15) copies of each of the following:

1. Tampa Electric Company's Response, Motion for Protective Order and Objections to Legal Environmental Assistance Foundation, Inc.'s First Set of Interrogatories to Tampa Electric Company (Nos. 1-23). *02214-00*
2. Tampa Electric Company's Response, Motion for Protective Order and Objections to Legal Environmental Assistance Foundation, Inc.'s First Request for Production of Documents (Nos. 1-8). *02215-00*

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,

RECEIVED & FILED

James D. Beasley
James D. Beasley

FPSC BUREAU OF RECORDS

- MFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- ENG _____
- LEG _____
- MAS _____
- OPC _____
- RRR _____
- SEC _____
- WAW _____
- OTH _____

JDB/bjd
Enclosures

cc: All Parties of Record (w/encls.)

02214-00

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Tampa Electric)
Company for Approval of Plan)
to bring generating units into)
compliance with Clean Air Act)

DOCKET NO. 992014-EI

FILED: February 17, 2000

**TAMPA ELECTRIC COMPANY'S RESPONSE, MOTION
FOR PROTECTIVE ORDER AND OBJECTIONS TO
LEGAL ENVIRONMENTAL ASSISTANCE FOUNDATION, INC.'S
FIRST SET OF INTERROGATORIES
TO TAMPA ELECTRIC COMPANY (NOS. 1-23)**

Tampa Electric Company ("Tampa Electric" or "the company") submits the following Response, Motion for Protective Order and Objections to Legal Environmental Assistance Foundation, Inc.'s ("LEAF") First Set of Interrogatories to Tampa Electric Company Nos. 1-23.

Preliminary Nature of These Objections

The objections stated herein are preliminary in nature and should additional grounds for objections be discovered as Tampa Electric attempts to produce documents in this proceeding, the company reserves the right to supplement or revise or modify its objections. Should Tampa Electric determine that a further protective order is necessary with respect to any of the information requested, Tampa Electric reserves the right to file a motion with the Commission.

GENERAL OBJECTIONS

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

DOCUMENT NUMBER-DATE

02214 FEB 17 8

FPSC-RECORDS/REPORTING

1. 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.

2. 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.

3. 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.

4. 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.

5. 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, or which is proprietary confidential business information.

6. Tampa Electric objects to each discovery request to the extent it calls for Tampa Electric to produce or divulge information (including computer inputs and outputs) that constitute proprietary confidential business information the disclosure of which would be harmful to Tampa Electric and its general body of ratepayers.

Motion for Protective Order

7. Tampa Electric's objections to LEAF's discovery requests are submitted pursuant to the authority contained in Slatnick v. Leadership Housing Systems of Florida, Inc., 368 So. 2d

78 (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

8. Response: Subject to and without waiving its general or specific objections, Tampa Electric will provide an answer that may be responsive to Interrogatories Nos. 1 through 6.

9. Response: Tampa Electric objects to Interrogatory No. 7 in that it asks Tampa Electric to speculate as to a “range of” hypothetical requirements that state and federal agencies “may require” “if” certain assumed events occur. The answer to this question is not a fact known to Tampa Electric. Instead it could only constitute speculation regarding the application of a wide range of laws to multiple assumed factual circumstances. Tampa Electric does not know what requirements a state or federal agency may require. The same objection applies to subpart 7a. of Interrogatory No. 7.

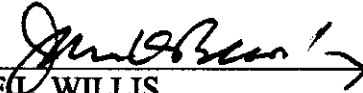
10. Response: Subject to and without waiving its general or specific objections, Tampa Electric will answer Interrogatory No. 8.

11. Response: Tampa Electric objects to Interrogatory No. 9 (including subpart 9a.) on the same grounds stated in Tampa Electric’s objection to Interrogatory No. 7.

12. Response: Subject to the foregoing general and specific objections, Tampa Electric will answer Interrogatories Nos. 10 through 23.

DATED this 17th day of February, 2000.

Respectfully submitted,



LEEL WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115

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 LEAF's First Set of Interrogatories (Nos. 1-23), filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 17th day of February, 2000 to the following:

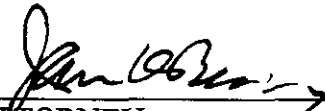
Mr. Robert V. Elias*
Ms. Grace A. Jaye*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Joseph A. McGlothlin*
Ms. Vicki Gordon Kaufman*
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, Arnold & Steen, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

Mr. John W. McWhirter
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, Arnold & Steen, P.A.
Post Office Box 3350
Tampa, FL 33601

Ms. Gail Kamaras
Ms. Debra Swim
Legal Environmental Assistance Foundation
1114 Thomasville Road – Suite E
Tallahassee, FL 32302-6390

Mr. Jack Shreve
Mr. John Roger Howe
Office of Public Counsel
111 W. Madison Street – Suite 812
Tallahassee, FL 32399-1400



ATTORNEY