

ORIGINAL

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RECORDS AND REPORTING

February 21, 2000

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: Petition by Tampa Electric Company for approval of plan to bring generating units into compliance with Clean Air Act; FPSC Docket No. 992014-EI

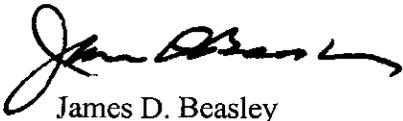
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Response, Motion for Protective Order and Objections to Staff's Third Set of Interrogatories to Tampa Electric Company (Nos. 28-31).

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.

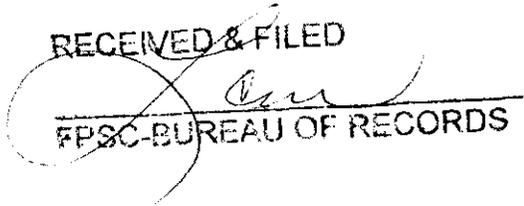
Sincerely,

  
James D. Beasley

- AFA 3
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG 3
- LEG 3
- MAS 3
- OPC \_\_\_\_\_
- RRR \_\_\_\_\_
- SEC 1
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

JDB/pp  
Enclosures

All Parties of Record (w/enc.)

RECEIVED & FILED  
  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
**02377 FEB 21 8**  
FPSC-RECORDS/REPORTING

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 21, 2000

**TAMPA ELECTRIC COMPANY'S RESPONSE, MOTION  
FOR PROTECTIVE ORDER AND OBJECTIONS TO  
STAFF'S THIRD SET OF INTERROGATORIES  
TO TAMPA ELECTRIC COMPANY (NOS. 28-31)**

Tampa Electric Company ("Tampa Electric" or "the company") submits the following Response, Motion for Protective Order and Objections to Staff's Third Set of Interrogatories to Tampa Electric Company (Nos. 28-31).

**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 Staff's Third Set of Interrogatories in this proceeding:

DOCUMENT NUMBER-DATE

02377 FEB 21 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 it calls for Tampa Electric to produce or divulge information that constitutes proprietary confidential 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 Staff's discovery requests are submitted pursuant to the authority contained in Slatnick v. Leadership Housing Systems of Florida, Inc., 368 So. 2d 78 (Fla. 3<sup>rd</sup> 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: Tampa Electric objects to Interrogatory No. 28 to the extent that it calls for any details regarding any discussions Tampa Electric and/or its affiliates have had with

the United States Environmental Protection Agency (EPA). Tampa Electric is a party to a confidentiality agreement that precludes disclosure of any details concerning any such discussions with EPA. In addition, this interrogatory is entirely burdensome and overbroad in that it calls for an analysis and listing of all meetings along with specific categories of information regarding all meetings. Tampa Electric alone has more than 300 actual meetings per year with representatives of EPA, the Department of Environmental Protection (DEP) and the Hillsborough County Environmental Protection Commission (EPC) regarding various regulatory topics, which could add up to well over 1,500 meetings during the time frame requested. This includes the many phone calls and conference calls that take place on a routine basis. It does not include any meetings between any of Tampa Electric's affiliates and EPA. Tampa Electric would not know where to begin attempting to answer this classically burdensome and overbroad request.

9. Response: Tampa Electric objects to Interrogatory No. 29 to the extent that it calls for any details regarding any discussions Tampa Electric or its affiliates have had with the EPA. Tampa Electric is a party to a confidentiality agreement that precludes disclosure of any details concerning any such discussions with EPA. In addition, this interrogatory is burdensome and overbroad in that it would involve a review of materials relating to all of the meetings. Tampa Electric alone has more than 300 actual meetings per year with representatives of EPA, the DEP and the EPC regarding various regulatory topics, which could add up to well over 1,500 meetings during the time frame requested. This includes the many phone calls and conference calls that take place on a routine basis. It does not include any meetings between any of Tampa Electric's affiliates and EPA. Tampa Electric would not know where to begin attempting to answer this classically burdensome and overbroad request.

DATED this 21<sup>st</sup> day of February, 2000.

Respectfully submitted,



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LEE L. WILLIS  
JAMES D. BEASLEY  
Ausley & McMullen  
Post Office Box 391  
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(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 Staff's Third Set of Interrogatories (Nos. 28-31), filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 21<sup>st</sup> 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  
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ATTORNEY