

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of Regulated Earnings )  
of Tampa Electric Company pursuant to )  
Stipulation for Calendar Years 1995 through )  
1999 )  
\_\_\_\_\_ )

DOCKET NO. 950379-EI

Filed: May 22, 2000

**TAMPA ELECTRIC COMPANY'S RESPONSE,  
MOTION FOR PROTECTIVE ORDER AND OBJECTIONS  
TO FIPUG'S FIRST REQUEST FOR PRODUCTION (NOS. 1-9)**

Tampa Electric Company ("Tampa Electric" or "the company"), submits the following Response, Motion for Protective Order and Objections to Florida Industrial Power User's Group's ("FIPUG") First Request for Production of Documents to Tampa Electric Company (Nos. 1-9) and, as grounds therefor, says:

**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.

DOCUMENT NUMBER-DATE

06305 MAY 22 8

FPSC-RECORDS/REPORTING

## GENERAL OBJECTIONS

Tampa Electric makes the following general objections to FIPUG's First Request for Production of Documents in this proceeding:

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. Moreover, the use of the term "relating to," or "supporting" as used in individual requests would improperly require Tampa Electric in its response to disclose the mental impression and other privileged work product of its attorneys.
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. Tampa Electric objects to the use of the term "referring to" on grounds that the term is vague and that the use of this term as used in individual requests renders the individual requests vague, overbroad and ambiguous.
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 and every request to the extent it seeks “all” documents in a specified category on grounds that such a requirement is burdensome, excessive, oppressive or excessively expensive. 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, not every document can be provided in response to these discovery requests. Tampa Electric will make a good-faith effort to locate responsive documents in files and other locations where they are expected to be found in the ordinary course of business.

7. Tampa Electric objects to each and every document request to the extent it requests amended, supplemental or continuing discovery.

8. Tampa Electric objects to the definitions and instructions provided as overbroad, burdensome.

#### **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 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**

10. Response: Subject to and without waiving its general or specific objections, Tampa Electric will produce certain documents that may be responsive to Request No. 1.

11. Response: Subject to and without waiving its general or specific objections, Tampa Electric will produce certain documents that may be responsive to Request No. 2 subject to execution of a non-disclosure agreement.

12. Response: Subject to and without waiving its general objections, Tampa Electric has no such documents responsive to Request No. 3.

13. Response: Subject to and without waiving its general objections, Tampa Electric will produce certain documents that may be responsive to Request No. 4 subject to the execution of a non-disclosure agreement.

14. Response: Subject to and without waiving its general objections, Tampa Electric will produce certain documents that may be responsive to Request No. 5.

15. Response: Subject to and without waiving its general objections, Tampa Electric will produce certain documents that may be responsive to Request No. 6 subject to the execution of a non-disclosure agreement.

16. Response: Tampa Electric will produce documents responsive to Request Nos. 7 and 8.

17. Response: Subject to and without waiving its general objections, Tampa Electric has no such documents responsive to Request No. 9.

WHEREFORE, Tampa Electric submits the foregoing as its Response, Motion for Protective Order and Objections relative to FIPUG's First Request for Production of Documents (Nos. 1-9).

DATED this 22<sup>nd</sup> day of May, 2000.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Tampa Electric Company's Response, Motion for Protective Order and Objections to FIPUG's First Request for Production has been furnished by hand delivery (\*) or U. S. Mail this 22<sup>nd</sup> day of May, 2000 to the following:

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