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ORIGINAL

May 30, 2000

HAND DELIVERED

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00 MAY 30 PM 3:27
RECORDS AND REPORTING

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

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor; FPSC Docket No. 000001-EI

Dear Ms. Bayo:

Enclosed for filing on behalf of Tampa Electric Company are the original and ten (10) copies of each of the following:

1. Tampa Electric Company's Objections, Motion for Protective Order and Written Response to FIPUG's First Set of Interrogatories (Nos. 1-11).
2. Tampa Electric Company's Response, Motion for Protective Order and Objections to FIPUG's First Set of Requests for Production of Documents (Nos. 1-2).
3. Tampa Electric Company's Objections, Motion for Protective Order and Written Response to FIPUG's First Requests for Admission (Nos. 1-27).

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

RECEIVED & FILED

F.P.S.C. BUREAU OF RECORDS

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06607 MAY 30 8	06608 MAY 30 8	06609 MAY 30 8

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RGO 2
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IDB/pp
Enclosures

cc: All parties of record (w/enc.)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive)
Factor.)
_____)

DOCKET NO. 000001-EI
FILED: May 30, 2000

**TAMPA ELECTRIC COMPANY'S OBJECTIONS,
MOTION FOR PROTECTIVE ORDER AND WRITTEN RESPONSE
TO FIPUG'S FIRST SET OF INTERROGATORIES (NOS. 1-11)**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to the Commission's Order Establishing Procedure (Order No. PSC-00-531-PCO-EI dated March 15, 2000), submits the following Objections, Motion for Protective Order and written response to Florida Industrial Power Users Group's ("FIPUG") First Set of Interrogatories to Tampa Electric Company Nos. 1-11 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.

GENERAL OBJECTIONS

Tampa Electric makes the following general objections to FIPUG's First Set of Interrogatories (Nos. 1-11):

DOCUMENT NUMBER-DATE
06607 MAY 30 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.

Motion for Protective Order

6. 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. 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

7. Tampa Electric objects to Interrogatory No. 1 on the grounds that answering the interrogatory would be unduly burdensome and oppressive. Providing on an hour-by-hour basis,

by customer, the information requested in this interrogatory would involve a mammoth undertaking on the part of Tampa Electric's employees from different departments throughout the company and would involve time consuming manual tabulation. Tampa Electric from time to time has provided redacted versions of similar types of information, although not to the degree of detail demanded in Interrogatory No. 1 and especially not on an hour-by-hour basis for each customer.

8. In response to discovery requests in other proceedings, Tampa Electric has recently furnished FIPUG, on a confidential basis and subject to a Non-Disclosure Agreement, voluminous documents reflecting much, if not all, of the information sought in Interrogatory No. 1 covering the period April 1, 1999 through October 31, 1999. In its response to FIPUG's current Request for Production of Documents Request No. 2, and subject to its objection to that request, Tampa Electric has offered to provide FIPUG the same types of documents from November 1, 1999 to the most currently available, subject to FIPUG's execution of a Non-Disclosure Agreement acceptable to Tampa Electric. Much, if not all, of the information requested in Interrogatory No. 1 may be taken from such documents by FIPUG through its own effort. Subject to the above-stated objections and pursuant to Rule 1.340(c), Florida Rules of Civil Procedure, Tampa Electric opts to produce the above-described records covering the period November 1, 1999 through the most currently available, again subject to FIPUG's execution of a Non-Disclosure Agreement acceptable to Tampa Electric, in lieu of answering the specific requests contained in Interrogatory No. 1.

9. In addition, Tampa Electric may not maintain records in such a way as to provide all of the categories of information sought in Interrogatory No. 1 on an hour-by-hour basis. The company has assembled some of the types of data described in Interrogatory No. 1 on a monthly

basis by customer, and may be willing to share that information with FIPUG if FIPUG will accept monthly compilations. Tampa Electric is reviewing its records to ascertain whether and the extent to which they reflect the various categories of requested data on an hour-by-hour, customer-by-customer basis. Because of the burden involved in attempting to extract the information on an hour-by-hour, customer-by-customer basis, and subject to the previously stated objections, Tampa Electric reserves the right, pursuant to Rule 1.340(c), Florida Rules of Civil Procedure, to exercise its option to produce any and all records it finds to include the requested hour-by-hour information so that FIPUG itself can attempt to extract such information on an hour-by-hour, customer-by-customer basis. Any and all provision of access to these records will, of course, have to be preceded by FIPUG's execution of an appropriate non-disclosure agreement.

10. Tampa Electric objects to Interrogatory No. 2 on the same grounds as stated with respect to Interrogatory No. 1. In addition, the information sought appears irrelevant and not likely to lead to the discovery of admissible evidence. Subject to this objection, Tampa Electric makes the same offer to produce documents as set forth in response to Interrogatory No. 1, subject to the execution of a Non-Disclosure Agreement acceptable to Tampa Electric.

11. Tampa Electric objects to Interrogatory No. 3 on the same grounds as stated with respect to Interrogatory No. 1. In addition, the information sought appears irrelevant and not likely to lead to the discovery of admissible evidence. Subject to this objection, Tampa Electric makes the same offer to produce documents as set forth in response to Interrogatory No. 1, subject to the execution of a Non-Disclosure Agreement acceptable to Tampa Electric.

12. Tampa Electric objects to Interrogatory No. 4 on the same grounds as stated with respect to Interrogatory No. 1. In addition, the information sought appears irrelevant and not

likely to lead to the discovery of admissible evidence. Subject to this objection, Tampa Electric makes the same offer to produce documents as set forth in response to Interrogatory No. 1, subject to the execution of a Non-Disclosure Agreement acceptable to Tampa Electric.

13. Tampa Electric objects to subpart a. of Interrogatory No. 5 on the grounds that the information requested is confidential proprietary business information pertaining to highly competitive market based pricing. Subject to this objection, Tampa Electric makes the same offer to produce documents as set forth in response to Interrogatory No. 1, subject to the execution of a Non-Disclosure Agreement acceptable to Tampa Electric.

14. In response to Interrogatory No. 6, Tampa Electric does not maintain records from which to provide the information requested in Interrogatory No. 6.

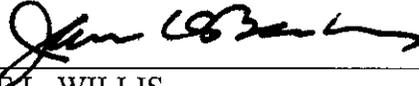
15. Tampa Electric objects to Interrogatory No. 7 on the same grounds as stated above with respect to Interrogatory No. 5, part a.

16. Tampa Electric objects to Interrogatory No. 10 on the same grounds as stated above with respect to Interrogatory No. 1 because the interrogatory requests the same information. Subject to this objection, Tampa Electric makes the same offer to produce documents as set forth in response to Interrogatory No. 1, subject to the execution of a Non-Disclosure Agreement acceptable to Tampa Electric.

WHEREFORE, Tampa Electric submits the foregoing as its Response, Motion for Protective Order and Objections relating to FIPUG's First Set of Interrogatories Nos. 1-11.

DATED this 30th day of May, 2000.

Respectfully submitted,



LEE L. 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 Response, Motion for Protective Order and Objections to FIPUG's First Set of Interrogatories (Nos. 1-11), filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 30th day of May 2000 to the following:

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ATTORNEY

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