

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET No. 010001-EI

COMMISSION  
CLERK

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FLORIDA INDUSTRIAL POWER USERS GROUP'S OBJECTIONS TO TAMPA  
ELECTRICS REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 1-6)

The Florida Industrial Power Users Group's (FIPUG) submits the following Objections, Motion for Protective Order and written response to Tampa Electric Company's Request for Production and says:

**Preliminary Nature of These Objections**

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

**GENERAL OBJECTIONS**

FIPUG makes the following general objections to TAMPA ELECTRIC's Request for Production

1. FIPUG objects to each request insofar as it seeks to impose obligations on FIPUG that exceed the requirements of the Florida Rules of Civil Procedure or Florida law.
2. FIPUG 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.

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3. FIPUG 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. FIPUG 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. FIPUG 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. Each industrial customer of TAMPA ELECTRIC intervening in this cause is proceeding to research its records in response to TAMPA ELECTRIC's discovery requests and to the extent the company locates information responsive to those requests which is not subject to the foregoing general objections, the same will be provided to TAMPA ELECTRIC on a timely basis,

#### **Motion for Protective Order**

7. FIPUG's objections to TAMPA ELECTRIC's discovery requests are submitted pursuant to the authority contained in *Slatnick v. Leadership Housing Systems of Florida, Inc.*, 368 So. 2d 278 (Fla. 3rd DCA 1979). To the extent that a Motion for Protective Order is required, FIPUG's objections are to be construed as a request for a Protective Order.

#### **Objections to Specific Requests**

8. FIPUG objects to Production Request No. 1 on the ground that the documents relied upon, which are not trade secrets, are Tampa Electric tariffs or information supplied to the respondents by Tampa Electric.

9. FIPUG objects to Production Request No. 2 because it seeks information that is a confidential company trade secret or requests information that is neither relevant or calculated to lead to relevant evidence.

10. FIPUG objects to Production Request No. 3 FIPUG objects to this discovery request because it seeks information that is a confidential company trade secret or requests information that is neither relevant or calculated to lead to relevant evidence.

11. FIPUG objects to Production Request No. 4 because Tampa Electric develops and maintains the prices it will charge for as-available cogeneration power. To the extent the discovery request seeks internal policies customers use to determine whether they will make power available to Tampa Electric, the information is a confidential company trade secret or requests information that is neither relevant or calculated to lead to relevant evidence.

12. FIPUG objects to Production Request No. 5 because industries intervening in this docket under the acronym FIPUG are retail customers obligated to buy only from Tampa Electric or self generate. To the extent that board minutes discuss these issues, the information is objectionable because it is privileged attorney client work product, company confidential long-range planning or is information that is neither relevant to the price Tampa Electric pays for the purchase of fuel and wholesale power nor calculated to lead to information that would produce relevant evidence in this docket.

13. The customers identified in response to Interrogatory No. 10 object to this request for production for the reasons specified in the objection to Interrogatory No. 14.

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true copy of the foregoing Florida Industrial Power Users Group's Objections to Tampa Electric's Requests for Production of Documents (Nos. 1 - 6) has been served by hand delivery (\*) or U. S. Mail on this 25<sup>th</sup> day of June, 2001, to the following parties of record:

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