

**MCWHIRTER REEVES**  
ATTORNEYS AT LAW

TAMPA OFFICE:  
400 NORTH TAMPA STREET, SUITE 2450  
TAMPA, FLORIDA 33602  
P. O. BOX 3350 TAMPA, FL 33601-3350  
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:  
  
TALLAHASSEE

TALLAHASSEE OFFICE:  
117 SOUTH GADSDEN  
TALLAHASSEE, FLORIDA 32301  
(850) 222-2525  
(850) 222-5606 FAX

August 27, 2001

**VIA HAND DELIVERY**

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

RECEIVED-FPSC  
31 AUG 27 PM 3: 54  
COMMISSION  
CLERK

Re: Docket No.: 010283-EI

Dear Ms. Bayo:

On behalf of Florida Industrial Power Users Group (FIPUG), enclosed for filing and distribution are the original and 15 copies of the following:

- FIPUG's Response to Tampa Electric Company's Motion for Protective Order.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

*Vicki Gordon Kaufman*

Vicki Gordon Kaufman

APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_ VGK/bae  
COM 3 Enclosure  
CTR \_\_\_\_\_  
EOR \_\_\_\_\_  
LEG \_\_\_\_\_  
OPC \_\_\_\_\_  
PAI \_\_\_\_\_  
RGO \_\_\_\_\_  
SEC \_\_\_\_\_  
SER \_\_\_\_\_  
OTH \_\_\_\_\_

RECEIVED & FILED  
*RXM*  
FPSC BUREAU OF RECORDS

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEEN, P.A.

DOCUMENT NUMBER-DATE

10674 AUG 27 01

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Calculation of gains and )  
appropriate regulatory treatment )  
for non-separated wholesale )  
energy sales by investor-owned )  
electric utilities )  
\_\_\_\_\_ )

Docket No. 010283-EI

Filed: August 27, 2001

**FIPUG’s Response to Tampa Electric Company’s Motion for Protective Order**

The Florida Industrial Power Users Group (FIPUG) files this Response to Tampa Electric Company’s (TECo) Motion for Protective Order. Such motion should be denied. As grounds therefore, FIPUG states:

1. On July 13, 2001, the Office of Public Counsel (OPC) served its First Set of Interrogatories (Nos. 1 - 4) on TECo.

2. TECo responded on August 13, 2001. As to Interrogatory No. 4, TECo redacted the majority of information and simultaneously filed a Motion for Protective Order to shield the information from the public.

3. OPC Interrogatory No. 4 requests information about TECo’s non-separated sales. TECo redacted all of the following information

- Price of non-separated sale in cents/KWH
- Gain or (loss) on sale in cents/KWH
- Incremental costs of sale in cents/KWH (identify type of costs included in calculating incremental costs)
- Marginal generating cost in cents/KWH (identify type of costs included in calculating marginal generating costs)

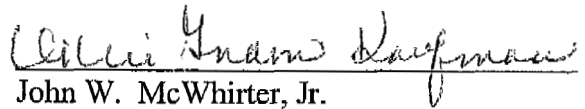
- Purchased power costs incurred during the time of non-separated sale in cents/KWH.

4. The basis for TECo's request to shield this information is TECo's claim that it can somehow be used by TECo's competitors in the wholesale market and that TECo would be put at a competitive disadvantage. TECo does not provide any support whatsoever for this claim.

5. But perhaps more telling is the fact that the same questions were asked of Gulf Power Company, Florida Power Corporation and Florida Power and Light. All three companies responded and none claimed that revealing the information would in any way damage their competitive positions.

6. TECo has failed to justify its request for a protective order and it should be denied.

**WHEREFORE**, TECO's motion should be denied.



John W. McWhirter, Jr.  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman, Arnold & Steen, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33602  
(813) 224-0866 Telephone  
(813) 221-1854 Telefax

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman, Arnold & Steen, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525 Telephone  
(850) 222-5606 TeleFax

Attorneys for the Florida Industrial  
Power Users Group

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing FIPUG's Response to Tampa Electric Company's Motion for Protective Order has been furnished by (\*) hand delivery, or U.S. Mail this 27th day of August, 2001, to the following:

(\*)Wm. Cochran Keating IV  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

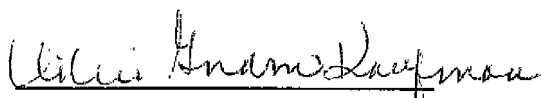
Matthew Childs  
Florida Power & Light  
215 South Monroe Street, Suite 601  
Tallahassee, Florida 32301

Jim Beasley  
Ausley & McMullen  
227 South Calhoun Street  
Tallahassee, Florida 32301

Jeff Stone  
Beggs & Lane  
Post Office Box 12950  
Pensacola, Florida 32576

James McGee  
Florida Power Corporation  
Post Office Box 14042  
St. Petersburg, Florida 33733

Stephen Burgess  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

  
Vicki Gordon Kaufman