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COMMISSION
CLERK

August 31, 2001

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Commission Clerk
and Administrative Services
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. 010001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa
Electric Company's Objections, Motion for Protective Order and Written Response to FIPUG's
Third Set of Interrogatories (Nos. 34-74).

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

- APP _____
- CAF _____
- CMP _____
- COM 5 JDB/pp
- CTR _____ Enclosures
- ECR _____
- LEG 1 ec: All parties of record (w/enc.)
- OPC _____
- PAI _____
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 010001-EI
Factor.) FILED: August 31, 2001
_____)

**TAMPA ELECTRIC COMPANY'S OBJECTIONS,
MOTION FOR PROTECTIVE ORDER AND WRITTEN RESPONSE
TO FIPUG'S THIRD SET OF INTERROGATORIES (NOS. 34-74)**

Tampa Electric Company ("Tampa Electric" or "the company") submits the following Objections, Motion for Protective Order and written response to Florida Industrial Power Users Group's ("FIPUG") Third Set of Interrogatories to Tampa Electric Company Nos. 34-74 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 Third Set of Interrogatories (Nos. 34-74):

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.

6. Tampa Electric is proceeding to research its records in response to FIPUG'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 FIPUG on a timely basis.

Motion for Protective Order

7. 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

8. Tampa Electric specifically objects to FIPUG's Interrogatory No. 58(d) and (f) and part of No. 59. Subpart (d) of Interrogatory No. 58 calls for any price indices to which Tampa Electric's coal contracts are tied. Subpart (f) of Interrogatory 58 calls for the monthly costs \$/ton for coal delivered to Tampa Electric under each of the company's coal contracts. Interrogatory No. 59 calls for the cost of coal purchased on the spot market. Both of these subparts of Interrogatory No. 58 and Interrogatory No. 59 seek the disclosure of confidential coal contract pricing provision of the type the Commission has repeatedly ruled to be confidential in this ongoing docket. See, for example, Order Nos. PSC-01-0713-CFO-EI, PSC-01-1135-CFO-EI and PSC-01-1726-CFO-EI.

9. Public disclosure of Tampa Electric's coal contract pricing information would be severely detrimental to the interests of Tampa Electric and the customers it serves. It is information concerning bids or other contractual data the disclosure of which would impair the efforts of Tampa Electric to contract for goods and services on favorable terms. It is also information relating to competitive interests, the disclosure of which would impair the competitive business of Tampa Electric. These types of information are specifically identified as confidential proprietary business information in Section 366.093, Florida Statutes.

10. In addition, disclosure of Tampa Electric's coal pricing information to FIPUG would give highly competitive information to the very parties who might find it useful in competing with Tampa Electric's affiliates for the provision of goods and services. With respect to subpart (f) of Interrogatory No. 58, the Commission has concluded on numerous occasions

that the public disclosure of the delivered price of coal can be used with certain publicly disclosed information to derive the segmented transportation costs of Tampa Electric's coal transportation affiliates. The Commission has on numerous occasions determined that such disclosure would be harmful to the competitive interests of Tampa Electric's coal transportation affiliate. See the same orders referred to in paragraph 8 above.

WHEREFORE, Tampa Electric submits the foregoing as its Objections, Motion for Protective Order and Written Response to FIPUG's Third Set of Interrogatories Nos. 34-74.

DATED this 31st day of August, 2001.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Response and Objections to FIPUG's Third Set of Interrogatories (Nos. 34-74), filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 31st day of August, 2001 to the following:

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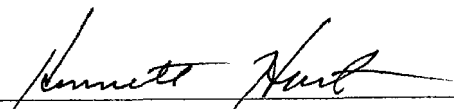
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