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January 31, 2002

Ms. Blanca S. Bayo, Director  
Division of the Commission Clerk  
& Administrative Services  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Territorial Dispute Between City of Bartow  
and Tampa Electric Company ("TECO")  
Case No. 011333-EU

Dear Ms. Bayo:

Enclosed with this letter are the original and sixteen copies of each of the following pleadings:

1. Response of City of Bartow to Tampa Electric Company's Motion to Compel Responses to Interrogatories and Request for Production of Documents or, in the Alternative, Request for Imposition of Sanctions. *01226-02*
2. Response of City of Bartow to Tampa Electric Company's First Request for Production of Documents (Nos. 1-20). *Forwarded GCL*

Please file the original of each pleading in the Commission's file for this matter. Please then stamp one copy of each with the date and time filed and return them to me in the enclosed stamped, addressed envelope.

Thank you for your assistance.

Sincerely yours,

*Davisson F. Dunlap, Jr.*  
Davisson F. Dunlap, Jr.

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
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MMS \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

Enclosures

cc Mr. Richard A. Williams  
Mr. Frederick M. Bryant

*letter notification*  
DOCUMENT NUMBER-DATE

01225 JAN 31 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of City of Bartow, Florida,  
Regarding a Territorial Dispute with Tampa  
Electric Company, Polk County, Florida.

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DOCKET No. 011333-EU  
Filed: \_\_\_\_\_

**RESPONSE OF CITY OF BARTOW TO  
TAMPA ELECTRIC COMPANY'S MOTION TO COMPEL  
RESPONSES TO INTERROGTORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS OR, IN THE  
ALTERNATIVE, REQUEST FOR IMPOSITION OF SANCTIONS**

Petitioner, **City of Bartow** ("Bartow"), by and through its undersigned attorneys, responds to the Motion to Compel filed by Tampa Electric Company ("TECO") as follows:

TECO objects to what it perceives as the failure of Bartow to provide complete answers to its interrogatories. Bartow disagrees and responds.

In paragraph 11 of its motion, TECO objects to Bartow's response to interrogatory no. 8. Bartow has responded to interrogatory no. 8. Bartow indicated that there are no current records that identified several informal meetings or discussions where electric utility service to Old Florida Plantation ("OFP") was discussed. Therefore, Bartow is unable to identify any specific dates or times or locations of any such individual meetings. If Bartow is unable to identify any specific date, time or location of any specified meeting, it obviously cannot supply that information to TECO. While TECO may not like the response, it is a complete response to the interrogatory.

TECO objects to Bartow's response to interrogatory 10(d). Bartow does not own or operate transmission lines as is stated in its answer to interrogatory no. 11. It is therefore unable

DOCUMENT NUMBER-DATE

01226 JAN 31 8

FPSC-COMMISSION CLERK

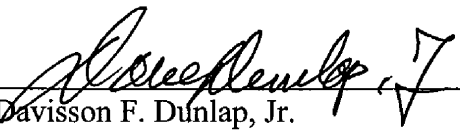
to respond to the question as to the total capacity, current load, or peak load of the transmission lines involved. This is not a failure to answer the interrogatory but is just an acknowledgment that information is no currently known to Bartow. When Bartow obtains that information, it will be provided to TECO.

TECO objects to Bartow's response to interrogatory no. 17. TECO's assertion that when Bartow referred it to the answers to the other interrogatories that it was not a complete answer is simply not correct. In interrogatory no. 6, TECO requested the identity of each person representing the owners and developers of the OFP property and whether Bartow had any contract relating in part or directly or indirectly to providing electric service to the OFP property. Three names were provided. This same information is requested in interrogatory no. 17.

TECO objects to Bartow's response to interrogatory no. 18, which requests Bartow to specify all rates, terms, and conditions pursuant to which it proposes to provide electrical services to the residents of the OFP property. Bartow's response is that it is currently compiling this information and it will be provided shortly. That is not a failure to respond to the interrogatory but merely an acknowledgment that those issues have not been decided and the information is not currently available. Obviously, if information is in the process of being developed, it does not exist in a form that can be provided to TECO.

In response to the interrogatories, TECO provided comprehensive information regarding its distribution lines, substations, and all other requested, pertinent information. It did not fail to respond to any of the interrogatories that were propounded.

Also, attached is a copy of Bartow's response to TECO's First Request for Production of Documents, which indicates that Bartow is willing to produce documents to TECO at a time convenient to both parties.

  
\_\_\_\_\_  
Davisson F. Dunlap, Jr.  
Florida Bar Number 0136730  
DUNLAP & TOOLE, P.A.  
2057 Delta Way  
Tallahassee, FL 32303-4227  
850-385-5000  
850-385-7636 Facsimile

Attorneys for Petitioner, City of Bartow

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Response of City of Bartow to Tampa Electric Company's Motion to Compel Responses to Interrogatories and Request for Production of Documents or, in the Alternative, Request for Imposition of Sanctions has been furnished by United States mail on this 31<sup>st</sup> day of January, 2002, to:

Mr. Harry W. Long, Jr.  
Assistant General Counsel  
Tampa Electric Company  
Post Office Box 111  
Tampa, FL 33601

Ms. Adrienne Vining  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

Mr. Lee L. Willis  
Mr. James D. Beasley  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302

Attorney for Florida Public Service  
Commission

Attorneys for Tampa Electric Company

  
\_\_\_\_\_  
Attorney

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of City of Bartow, Florida,  
Regarding a Territorial Dispute with Tampa  
Electric Company, Polk County, Florida.

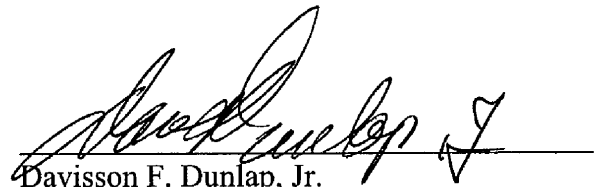
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DOCKET No. 011333-EU  
Filed: \_\_\_\_\_

**RESPONSE OF CITY OF BARTOW TO  
TAMPA ELECTRIC COMPANY'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS (NOS. 1-20)**

Petitioner, **City of Bartow** ("Bartow"), by and through its undersigned attorneys, responds to Tampa Electric Company's ("TECO") First Request for Production of Documents (Nos. 1-20) as follows:

The documents requested will be produced at the City Hall in Bartow, Florida, at a time mutually convenient to counsel for TECO and Bartow.



Davisson F. Dunlap, Jr.  
Florida Bar Number 0136730  
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2057 Delta Way  
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Attorneys for Petitioner, City of Bartow

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Attorney