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February 7, 2003

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

RECEIVED-FPSC  
03 FEB 10 AM 11:15  
COMMISSION  
CLERK

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

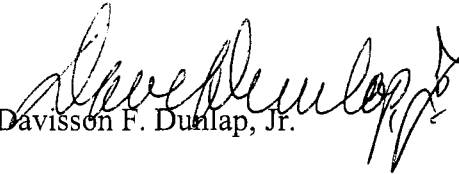
Dear Ms. Bayo:

Enclosed with this letter are the original and sixteen copies of the City of Bartow's Motion to Compel Tampa Electric to Respond to Discovery Requests, and Motion for Sanctions.

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

Thank you for your assistance.

Sincerely yours,

  
Davisson F. Dunlap, Jr.

Enclosures  
cc Mr. Richard A. Williams

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CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
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DOCUMENT NUMBER-DATE  
01342 FEB 10 3  
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: \_\_\_\_\_

**CITY OF BARTOW'S MOTION TO COMPEL  
TAMPA ELECTRIC TO RESPOND TO  
DISCOVERY REQUESTS, AND MOTION FOR SANCTIONS**

Petitioner, City of Bartow, Florida ("Bartow"), by and through its undersigned attorneys, hereby moves that the Florida Public Service Commission compel Respondent, Tampa Electric Company ("TEC") to respond to discovery requests and to impose sanctions; and in support of this motion, Bartow states as follows:

1. Bartow submitted its first set of interrogatories to TECO on or about November 8, 2001. Bartow submitted its second set of interrogatories to TECO on or about April 12, 2002.
2. On December 15, 2001, TECO served a partial response to Bartow's first set of interrogatories, which response included several objections to information requested.
3. TECO'S answers to Bartow's second set of interrogatories were due by May 17, 2002. TECO has to this date not responded to Bartow's second set of interrogatories.
4. Bartow submitted its first request to produce to TECO on or about April 12, 2002.
5. TECO's response to Bartow's request to produce was due by May 17, 2002. TECO has to this date not responded to Bartow's request to produce and has produced no documents.
6. The information requested in Bartow's interrogatories and request to produce is necessary to Bartow's preparation in this case.

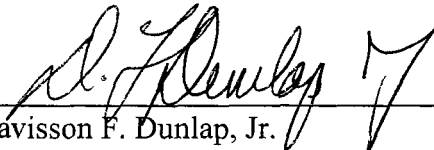
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FPSC-COMMISSION CLERK

7. TECO has failed or refused to provide complete responses to the information and documents requested.

WHEREFORE, Petitioner, City of Bartow, Florida, requests that the Florida Public Service Commission issue its order requiring Tampa Electric Company to furnish complete answers to all interrogatories submitted by Bartow and to produce all documents requested in Bartow's request to produce. Bartow further requests the imposition of sanctions upon TECO for its failure to respond completely in a timely manner to the discovery requests made by Bartow.

  
\_\_\_\_\_  
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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 City of Bartow's Motion to Compel Tampa Electric to Respond to Discovery Requests, and Motion for Sanctions, has been furnished by United States mail on this 7<sup>th</sup> day of February, 2003, 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