

ORIGINAL



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison St.
Room 812
Tallahassee, Florida 32399-1400
850-488-9330

June 13, 2003

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RECEIVED - FPSC
JUN 13 PM 3:15
COMMISSION
CLERK

RE: Docket No. 030001-EI

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and 1 copy of the Notice of Service of Citizens second set of interrogatories (Nos. 24-45) and second set of production of documents (Nos. 10-29) to Florida Power Corporation.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office

Sincerely,

Robert Vandiver
Associate Public Counsel

RV/pwd
Enclosures

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER - DATE

05239 JUN 13 8

FPSC-COMMISSION CLERK

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause with)
Generating Performance Incentive)
Factor)
_____)

DOCKET NO. 030001-EI

**NOTICE OF SERVICE OF CITIZENS' SECOND SET OF
INTERROGATORIES TO TAMPA ELECTRIC COMPANY**

Please take notice that the Citizens served the original and one copy of interrogatories (Nos. 24-45) to Tampa Electric Company on June 13, 2003.

The interrogatories are to be answered under oath by Tampa Electric Company and the answers are to be given in writing immediately following the question to which it responds. Thereafter, the original of the interrogatories, together with the answers, is to be served on the Citizens at the Office of Public Counsel, c/o the Florida Legislature, 111 West Madison Street, Claude Pepper Building, Room 812, Tallahassee, Florida 32399-1400, and copies to be served on all parties in accordance with applicable Rules of Civil Procedure.

Respectfully submitted,



Robert D. Vandiver
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

Attorneys for the Citizens
of the State of Florida

DOCUMENT NUMBER DATE
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INTERROGATORIES

24. How many contracts to supply coal or other fuel to Gannon Station were in effect on July 1, 2002?
 - a. Please list each contract separately by supplier (coal mine), date signed, tonnage, expiration date, mode of transport to Gannon and any special terms such as volume discounts, ect.
 - b. Please detail any subsequent modifications by date to the contracts above and the reasons for such modifications.

25. How many contracts to supply coal or other fuel to Gannon Station have been signed since July 1, 2002?
 - a. Please list each contract separately by supplier (coal mine), date signed, tonnage, expiration date, mode of transport to Gannon and any special terms such as volume discounts, ect.
 - b. Please detail any subsequent modifications to the contracts above by date and the reasons for the modification.

26. Can the coal or other fuel purchased for Gannon Station be burned in all six units? Can such coal be burned at other Tampa Electric generating facilities such as Big Bend?

27. Please describe the contractual relationship between Tampa Electric and TECO Transport.
 - a. Is the Tampa Electric/TECO transport a series of individual contracts or a blanket contract to haul coal, when was/were it signed and does it expire?
 - b. Was the contract (s) renegotiated after the consent decree and/or the decision to close the Gannon plants early?

28. Describe Tampa Electric efforts to mitigate damages under any existing contracts.

29. Please refer to John Knight deposition, starting at page 22, line 25, B.S. 3275. Please confirm the date of this document and if it is not the final document produced for budgetary purposes, identify the Bates Stamp of the finalized document.

30. Please refer to Buddy Maye deposition, starting at page 26, line 4, B.S. 1429. Please identify the specific contents and amounts of expense by item for the non-recoverable fuel expense that is referenced in this document.

31. Please refer to Buddy Maye deposition, starting at page 49, line 6, B.S. 4044-4049. Please describe all changes that were made to this document until it was

finalized, the date it was finalized for the business plan and the Bates Stamp numbers of the final plan that appeared in the business plan for 2003.

32. Please refer to Buddy Maye deposition, page 76, line 8-23. Please state the number of tube failures identified for Gannon 1-4, separately for year, 2000, 2001, 2002 and 2003 to date and the corresponding tube failures for Big Bend Station during the corresponding periods.
33. Please discuss the accounting transactions that will be applied to the sale of dismantled Gannon Station equipment as discussed in the deposition of Richard Walker, page 27, line 3 through line 25. Include sufficient detail regarding the booking of Gannon salvage sales, the timing of the booking of the sale transactions, and where these transactions will be found in the current earnings surveillance reports of the company and annual depreciation reports made to the PSC.
34. Please refer to the Richard Walker deposition, page 27, line 22-25. Since the dismantlement of Gannon Station extend for an unknown period of time, will the credits achieved from the sale of Gannon equipment be credited to the dismantlement reserve immediately as they are consummated, or will these credits be isolated in a holding account until the completion of all dismantlement activities?
35. Please refer to the Fuel Panel deposition, page 28, line 11-20. Please state if the documents contained in B.S. 1334 and 1335 are the final letter agreement with American Coal as discussed in this deposition.
36. Please refer to the Fuel Panel deposition, page 56, line 14-page 57, line 11. Please discuss Tampa Electric rationale for not participating in the New Smyrna Beach auction and compare the costs of purchased power from the New Smyrna Beach auction as opposed to the choices made by Tampa Electric for power purchased in 2003 to date.
37. Please refer to Buddy Maye deposition page 95, line 3-24. Please discuss all technical barriers other than safety or reliability that would have precluded the continued operation of Gannon 1-4 until a final shutdown date of December 31, 2004 in compliance with the consent decree.
38. Please refer to Buddy Maye deposition page 95, line 3-24. Please discuss any reasons that the parking and dismantlement of Gannon 1-4 as discussed in Mr. Maye's deposition could not have taken place in 2005 if the units were shut down on December 31, 2004.
39. Was Mr. Ramil's approval necessary for Base Case 9 to become the base case?
Was approval of the officers necessary for Base Case 9 to become the base case?

40. When did such approvals take place?
41. How are Mr. Ramil's budget targets referenced at page 18, line 23, of Mr. Whale's deposition communicated to Tampa Electric employees/management?
42. What were the dates that Mr. Ramil set the targets(s)?
43. Were the targets set by Mr. Ramil hard and fast targets for the budgets year or did they evolve as the budget year passed?
44. Have Gannon Units 1 & 2 been in operation since the May 10-15, 2003 timeframe?
45. As of the date of the answer to this interrogatory, please provide the total dollar amount for each of the items listed below. To the extent amounts are estimated, please indicate, Reference Bate Stamp 863.
 - Dead freight
 - Coal contract tonnage
 - Unused coal
 - Purchased power associated with Gannon early shutdown
 - a. Has Tampa Electric made a decision as to which, if any, of the above amounts to seek recovery in the November fuel hearings?

**CERTIFICATE OF SERVICE
DOCKET NO. 030001-EI**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Citizens' First Set of Interrogatories to Tampa Electric Company has been furnished by U.S. Mail or *hand delivery to the following parties on this --th day of June, 2003.

James Beasley
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Robert Vandiver
Deputy Public Counsel

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause with)
Generating Performance Incentive)
Factor)
_____)

Docket No. 030001-EI

Filed June 13, 2003

**CITIZENS' SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO
TAMPA ELECTRIC COMPANY (NOS. 10 - 29)**

Pursuant to § 350.0611(1), Fla. Stat. (2002), Fla. Admin. Code R. 28-106.206, and Fla. R. Civ. P.1.350, Florida's Citizens ("Citizens"), by and through Jack Shreve, Public Counsel, request Tampa Electric Company ("TECO") to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on or before Friday, July 18, 2003, or at such other time and place as may be mutually agreed upon by counsel.

DEFINITIONS

1. The terms "document" or "documents" are meant to have the broadest possible meaning under applicable law and includes, but is not necessarily limited to, any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records,

photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

2. The term "referring or relating to" means any oral, graphic, demonstrative, telephonic, verbal, electronic (including e-mail), written or other conveyance of information, including but not limited to conversations, telecommunications, and documents.

3. As used herein the terms "you," "your," and "company" refer to Tampa Electric Company, together with the officers, employees, consultants, agents, representatives, and attorneys of Tampa Electric Company, as well as any other person or entity acting on behalf of Tampa Electric Company.

4. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.

INSTRUCTIONS

1. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

2. These discovery requests are to be answered with reference to all information in your possession, custody or control, or reasonably available to you.

3. If Tampa Electric Company has possession, custody, or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies which are different in any way from the original, whether by interlineation, receipt stamp or notation. If Tampa Electric Company does not have possession, custody, or control of the originals of the documents requested, please produce any copies in the possession, custody, or control, however made, of Tampa Electric Company.

4. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.

DOCUMENTS REQUESTED

10. Please provide all contracts and contract amendments identified in interrogatories numbers 24 and 25.

11. Please provide all contracts and contract amendments identified in interrogatory number 27.

12. Please refer to Buddy Maye deposition, page 96, line 3-page 97, line 13. Please provide copies of all OSHA violations that have been reported for the Big Bend and Gannon stations starting January 1, 2000 to date.

13. Please refer to Buddy Maye deposition, page 96, line 3-page 97, line 13. Please provide copies of all accident reports reported for the Big Bend and Gannon stations starting January 1, 2000 to date.

14. Please provide copies of the final accident report from the fatal accident that occurred in 1999 that was referenced in the deposition of Buddy Maye, page 96, line 3-4.

15. Please refer to John Knight deposition, starting at page 34, line 15, B.S. 2772-2796. Please provide the final document identified as the Gannon Business Plan and the date of the final document that was prepared for 2003 operations.

16. Please refer to John Knight deposition, starting at page 35, line 5. Please provide the transmittal letters and their associated business plans for 2003 operations for the Big Bend Generating Station, the Gannon Generating Station, all associated documents and notes, and the approval documents that were sent to and returned from John Ramil as referenced in the deposition of John Knight at page 35, lines 5 and 6.

17. Please refer to Buddy Maye deposition, page 18, starting at line 5. Please provide all documents that identify environmental requirements referenced by Mr. Maye that necessitated the closing of Gannon 1-6 in 2003 as opposed to 2004.

18. Please refer to Buddy Maye deposition, page 49, lines 21-25. Please provide a copy of the final budget plan that was approved for Gannon Station 2003 operations.

19. Please refer to Buddy Maye deposition, page 51, line 18 through page 52, line 20. Please provide a copy of the transmittal letter or approval documents for the final Gannon Station business plan that were sent to Bill Whale and any documents that were returned indicating his approval or disapproval.

20. Please refer to Buddy Maye deposition, page 64, line 9-16. Please provide a copy of all operational performance targets and results assigned to the plant managers of Gannon Station starting with the year 2000 through 2002, and the assigned operational performance targets for year 2003. Since these documents can be found in

the annual performance evaluations of the individuals involved, all references to other evaluation criteria and overall ratings may be deleted.

21. Please provide a copy of all operational performance targets and results assigned to the plant managers of the Big Bend Station starting with the year 2000 through 2002 and the assigned operational targets for year 2003. Since these documents can be found in the annual performance evaluations of the individuals involved, all references to other evaluation criteria and overall ratings may be deleted.

22. Please refer to Fuel Panel deposition, page 28, line 8-20 and furnish the final letter agreement with American Coal as discussed in this section of the deposition.

23. Please refer to Bill Whale deposition, page 10, line 12. Please provide a copy of the Tampa Electric administrative policies dealing with approval of expenses.

24. Please refer to Bill Whale deposition, page 15, line 18-24. Please provide a copy of the Gannon Station budget for 2003 and all variances that have been recorded to date.

25. Please refer to Bill Whale deposition, page 18, line 7-23, B.S. 2626. Please provide a copy of any targets established by John Ramil for Energy Supply for 2003. Please provide a copy of all documents sent to or received from Mr. Ramil dealing with the issue of Energy Supply operations targets for 2003 operations.

26. Please refer to Bill Whale's deposition, page 54, line 14-22. Please provide copies of all minutes and notes that were produced during this meeting with the officers.
27. Please refer to Bill Whale's deposition, page 55, line 7-page 56, line 17. Please provide the final document produced by Tampa Electric that is referenced in this portion of the deposition that was adopted for the business planning purposes.
28. Please provide any documents dealing with the scope and purpose of a Gannon station job-related work injury settlement fund that has yet to be resolved.
29. Please provide any documents that describe the purpose and content of a job-related injury settlement fund for the Gannon Station that has yet to be resolved.



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Attorney for Florida's Citizens

**CERTIFICATE OF SERVICE
DOCKET NO. 030001-EI**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Citizens' First Set of Interrogatories to Tampa Electric Company has been furnished by U.S. Mail or *hand delivery to the following parties on this --th day of June, 2003.

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