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July 31, 2003

**HAND DELIVERY**

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
03 JUL 31 AM 10:28  
COMMISSION  
CLERK

Re: Application of Cargill Fertilizer, Inc. to engage in self-service wheeling of waste heat cogenerated power to, from and between points within Tampa Electric Company's Service Territory; FPSC Docket No. 020898-EQ

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of each of the following:

1. Tampa Electric Company's Objections in Response to the Second Set of Interrogatories to Tampa Electric (Nos. 23-37) of Cargill Fertilizer, Inc.
2. Tampa Electric Company's Objections in Response to the Second Request for the Production of Documents to Tampa Electric (Nos. 7-10) of Cargill Fertilizer, Inc.

06944-03

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.

RECEIVED & FILED

*ih*  
FPSC-BUREAU OF RECORDS

Sincerely,

*James D. Beasley*  
James D. Beasley

JDB/bjd

Enclosure

cc: All Parties of Record (w/encls.)

DOCUMENT NUMBER-DATE

06943 JUL 31 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Cargill Fertilizer, Inc.	)	Docket No. 020898-EQ
to engage in self-service wheeling of waste	)	Filed: July 31, 2003
heat cogenerated power to, from and	)	
between points within Tampa Electric	)	
Company's service territory.	)	
_____)		

**TAMPA ELECTRIC COMPANY'S OBJECTIONS IN RESPONSE TO THE SECOND SET OF INTERROGATORIES TO TAMPA ELECTRIC (NOS. 23-37) OF CARGILL FERTILIZER, INC.**

Pursuant to Rule 1.340, Florida Rules of Civil Procedure and Rule 28-106.206, Florida Administrative Code, Tampa Electric Company ("Tampa Electric" or "Company"), by and through its undersigned counsel, hereby files its objections to the Second Set of Interrogatories (Nos. 23-37) served by Cargill Fertilizer, Inc. ("Cargill") on Tampa Electric and says:

General Objections

1. Tampa Electric objects to each and every interrogatory to the extent that such request calls for information that is exempt from discovery by virtue of the attorney/client privilege, work product privilege, or other applicable privilege or protection provided by law, whether such privilege or protection appears at the time response is first made to these interrogatories or is later determined to be applicable based on the discovery of documents, investigation, or analysis.
2. Tampa Electric objects to each and every interrogatory insofar as the request is vague, ambiguous, overly broad, and imprecise or uses terms that are subject to multiple interpretations but are not properly defined or explained.

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FPSC-COMMISSION CLERK

3. Tampa Electric objects to each and every interrogatory to the extent that the information sought is already in the public record before this Commission or elsewhere, and is available to Cargill through normal procedures, or is already in Cargill's possession as part of Tampa Electric's billing process or was originally created by Cargill.
4. Tampa Electric objects to any interrogatory that calls for confidential proprietary business information and/or the compilation of information that is considered confidential proprietary business information, including "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes.
5. Tampa Electric objects to any interrogatory that calls for the creation of information as opposed to the reporting of presently existing information or that purport to expand Tampa Electric's obligations under the Florida Rules of Civil Procedure or Florida Law.

#### Specific Objections

1. Tampa Electric objects to Interrogatory No. 24 (a)-(c) on the ground that it calls for the provision of estimated data that Tampa Electric does not have for the years 2004-2013 and cannot reasonably obtain for the years 2005 through 2013.
2. Tampa Electric objects to Interrogatory No. 29 on several grounds. First, the questions posed are not likely to lead to the discovery of relevant information. Cost effectiveness tests performed for "cogeneration projects" have no relevance to the matter at issue. Second, the questions, as framed, have no temporal element and, therefore, are unreasonably broad and would be unduly burdensome to

address. Third, the questions posed request information from Peoples Gas, which is not a party to this proceeding.

3. Tampa Electric Objects to Interrogatory No. 30 on the ground that the request is not likely to lead to the discovery of relevant information for the same reason as stated in the objection to Interrogatory No. 29.
4. Tampa Electric objects to Interrogatory No. 35 on the grounds that it is ambiguous in its reference to the undefined term “net billing” and is not likely to lead to the discovery of relevant information.
5. Tampa Electric objects to Interrogatory No. 37 on the grounds that the request is ambiguous, confusing and otherwise unintelligible.

WHEREFORE, Tampa Electric submits the foregoing objections to the Second Set of Interrogatories (Nos. 23-37) served by Cargill in this proceeding.

DATED this 31st day of July 2003.

Respectfully submitted,

HARRY W. LONG, JR.  
Assistant General Counsel  
Tampa Electric Company  
Post Office Box 111  
Tampa, Florida 33601  
(813) 228-1702

And

LEE L. WILLIS  
JAMES D. BEASLEY  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302  
(850) 224-9115

By: 

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

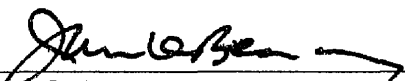
I HEREBY CERTIFY that a true copy of the foregoing Objections in Response to the Second Set of Interrogatories to Tampa Electric (Nos. 23-37) of Cargill Fertilizer, Inc., filed on behalf of Tampa Electric Company, has been served by hand delivery (\*) or U. S. Mail on this 31st day of July, 2003 to the following:

Rosanne Gervasi\*  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. Michael Haff\*  
Division of Economic Regulation  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
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Ms. Vicki Gordon Kaufman\*  
Mr. Joseph A. McGlothlin  
Mr. Timothy J. Perry  
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Mr. John W. McWhirter, Jr.  
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Tampa, FL 33601-3350

  
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ATTORNEY