

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In 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. )  
\_\_\_\_\_ )

Docket No. 020898-EQ  
Filed: July 31, 2003

**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.**

Pursuant to Rule 1.351, 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 Request for Production of Documents (Nos. 7-10) served by Cargill Fertilizer, Inc. ("Cargill") on Tampa Electric and says:

General Objections

1. Tampa Electric objects to each and every document request 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 requests for documents or is later determined to be applicable based on the discovery of documents, investigation, or analysis.
2. Tampa Electric objects to each and every document request 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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CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC   1   \_\_\_\_\_  
OTH \_\_\_\_\_

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3. Tampa Electric objects to each and every document request 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.
4. Tampa Electric objects to any document request 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 document request 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 Document Request No 7, to the extent that such request would require the production of documents that “support” Tampa Electric’s response to Cargill’s Interrogatory No. 29a as opposed to documents that were relied upon by Tampa Electric in its response or explicitly referred to in the response. As a general matter, Tampa Electric does not object to producing documents on which it has actually relied or which it has explicitly cited in its interrogatory responses. However, requiring the production of all documents that may “support” Tampa Electric’s response implies an affirmative and open-ended obligation on Tampa Electric’s part to search endlessly for documents that Tampa Electric might not otherwise have reason to consult and might not otherwise need

to substantiate its response. Therefore, the request is unnecessarily broad, unduly burdensome and is not calculated to lead to the discovery of relevant information. In addition, Tampa Electric objects to the production of any documents in response to Document Request No 7 on the same grounds that Tampa Electric has objected to Interrogatory No. 29a. First, the request posed is not likely to lead to the discovery of relevant information. Second, the request, as framed, has no temporal element and, therefore, is unreasonably broad and would be unduly burdensome to address. Third, People Gas is not a party to this proceeding and thus should not be required to produce documents.

2. Tampa Electric objects to Document Request No 8, to the extent that such request would require the production of documents that “support” Tampa Electric’s response to Cargill’s Interrogatory No. 29b as opposed to documents that were relied upon by Tampa Electric in its response or explicitly referred to in the response. As a general matter, Tampa Electric does not object to producing documents on which it has actually relied or which it has explicitly cited in its interrogatory responses. However, requiring the production of all documents that may “support” Tampa Electric’s response implies an affirmative and open-ended obligation on Tampa Electric’s part to search endlessly for documents that Tampa Electric might not otherwise have reason to consult and might not otherwise need to substantiate its response. Therefore, the request is unnecessarily broad, unduly burdensome and is not calculated to lead to the discovery of relevant information. In addition, Tampa Electric objects to the production of any documents in response to Document Request No 8 on the same grounds that Tampa Electric has

objected to Interrogatory No. 29b. First, the request posed is not likely to lead to the discovery of relevant information. Second, the request, as framed, has no temporal element and, therefore, is unreasonably broad and would be unduly burdensome to address. Third, People Gas is not a party to this proceeding and thus should not be required to produce documents.

3. Tampa Electric objects to Document Request No 9, to the extent that such request would require the production of documents that “support” Tampa Electric’s response to Cargill’s Interrogatory No. 32 as opposed to documents that were relied upon by Tampa Electric in its response or explicitly referred to in the response. As a general matter, Tampa Electric does not object to producing documents on which it has actually relied or which it has explicitly cited in its interrogatory responses. However, requiring the production of all documents that may “support” Tampa Electric’s response implies an affirmative and open-ended obligation on Tampa Electric’s part to search endlessly for documents that Tampa Electric might not otherwise have reason to consult and might not otherwise need to substantiate its response. Therefore, the request is unnecessarily broad, unduly burdensome and is not calculated to lead to the discovery of relevant information.
4. Tampa Electric objects to Document Request No 10, to the extent that such request would require the production of documents that “support” Tampa Electric’s response to Cargill’s Second Set of Interrogatories generally, as opposed to documents that were relied upon by Tampa Electric in its responses or explicitly referred to in those responses. As a general matter, Tampa Electric does not object to producing documents on which it has actually relied or which it has

explicitly cited in its interrogatory responses. However, requiring the production of all documents that may “support” Tampa Electric’s response implies an affirmative and open-ended obligation on Tampa Electric’s part to search endlessly for documents that Tampa Electric might not otherwise have reason to consult and might not otherwise need to substantiate its response. Therefore, the request is unnecessarily broad, unduly burdensome and is not calculated to lead to the discovery of relevant information. In addition, Tampa Electric objects to the production of any documents in response to Document Request No 10 to the extent that it requests the production of documents associated with Tampa Electric’s responses to Interrogatory Nos. 29 (a)-(c), 30, 35 and 37 on the same grounds that Tampa Electric has objected to Interrogatory Nos. 29 (a)-(c), 30, 35 and 37.

WHEREFORE, Tampa Electric submits the foregoing objections to the Second Request for Production of Documents (Nos. 7-10) served by Cargill in this proceeding.


DATED this 31st day of July 2003.

Respectfully submitted,

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By: 

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

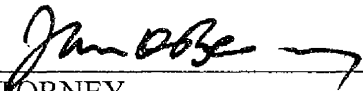
I HEREBY CERTIFY that a true copy of the foregoing Objections in Response to the Second Request for the Production of Documents to Tampa Electric (Nos. 7-10) of Cargill Fertilizer, Inc., filed on behalf of Tampa Electric Company, has been served by hand delivery (\*) or U. S. Mail on this 31st day of July, 2003 to the following:

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