

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 area.

Docket No. 020898-EQ

Filed. August 11, 2003

**CARGILL FERTILIZER, INC.'S OBJECTIONS TO THE FIRST SET OF
INTERROGATORIES (NOS. 1 – 22) OF TAMPA ELECTRIC COMPANY**

Pursuant to Rule 1.340, Florida Rules of Civil Procedure, and Rule 28-106.206, Florida Administrative Code, Cargill Fertilizer, Inc. (Cargill), files its objections to the First Set of Interrogatories (Nos. 1 – 22) served by Tampa Electric Company (TECo) on Cargill.

The Objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten-day requirement of Order No. PSC-03-0866-PCO-EQ, issued in this docket on July 24, 2003, by the Florida Public Service Commission (the Commission) in the above-referenced docket. Should additional grounds for objection be discovered as Cargill prepares its Responses to the above-referenced set of requests, Cargill reserves the right to supplement, revise, or modify its objections at the time that it serves its Responses. Moreover, should Cargill determine that a Protective Order is necessary with respect to any of the material requested, Cargill reserves the right to file a motion with the Commission seeking such an order at the time that it serves its Responses.

General Objections

Cargill makes the following General Objections to TECo's First Set of Interrogatories, which will be incorporated by reference into Cargill's Responses when its Responses are served.

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FPSC-COMMISSION CLERK

1. Cargill 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. Cargill 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 as explained.

3. Cargill objects to each and every interrogatory to the extent that the information sought is already in the public record before this Commission or elsewhere, is available to TECo through normal procedures, is already in TECo's possession, or was originally created by TECo.

4. Cargill 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. Cargill objects to any interrogatory that calls for the creation of information as opposed to the reporting of presently existing information or that purports to expand Cargill's obligations under the Florida Rules of Civil Procedure or Florida Law.

6. Cargill objects to any interrogatory insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of the this action.

7. Cargill objects to each and every request, general instruction, or definition insofar as it is unduly burdensome, expensive, oppressive, or excessively time consuming as written.

Specific Objections

1. Cargill objects to Interrogatory No. 1 on the grounds that the information constitutes proprietary trade secrets. Further, TECo has more complete and specific information in that it has a meter on each cogeneration unit and is responsible for handling the transmission of all power sold by Cargill. Cargill will compile the incomplete information in its records and supply it upon the execution of an appropriate confidentiality agreement.

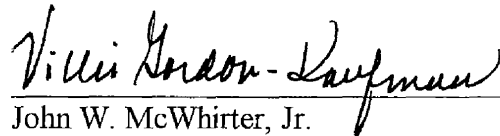
2. Cargill objects to Interrogatory No. 2 on the grounds that the information constitutes proprietary trade secrets. Further, TECo has more complete and specific information in that it has a meter on each cogeneration unit and is responsible for handling the transmission of all power sold by Cargill. Cargill will compile the incomplete information in its records and supply it upon the execution of an appropriate confidentiality agreement.

3. Cargill objects to Interrogatory No. 10 on the grounds that it is not reasonably calculated to lead to discovery of admissible evidence and is not relevant to the subject matter of this action. Further, the interrogatory is unduly burdensome, in that the production of electricity by Cargill is directly related to the operation of its sulphuric acid plants. The response would require input from the operator of each plant and then a comparison of that data to balancing charges imposed by TECo. The information is already readily available to TECo from its own records of meter readings and imbalance billings and can be produced by TECo at less cost and in less time. The interrogatory appears to be designed to harass and unduly burden Cargill.

4. Cargill objects to Interrogatory No. 13 on the grounds that it is not reasonably calculated to lead to discovery of admissible evidence and is not relevant to the subject matter of this action. Cargill further objects because such information is highly proprietary, confidential business information.

5. Cargill objects to Interrogatory No. 15 on the grounds that the information constitutes proprietary trade secrets. Cargill will provide the information upon the execution of an appropriate confidentiality agreement.

6. Cargill objects to Interrogatory No. 17 on the grounds that it is not reasonably calculated to lead to discovery of admissible evidence and is not relevant to the subject matter of this action.



John W. McWhirter, Jr.
McWhirter Reeves McGlothlin
Davidson Kaufman & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33601-3350
Telephone: (813) 224 0866
Facsimile: (813) 221 1854

Vicki Gordon Kaufman
McWhirter Reeves McGlothlin
Davidson Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 222-2525
Facsimile: (850) 222-5606

Attorneys for Cargill Fertilizer, Inc.

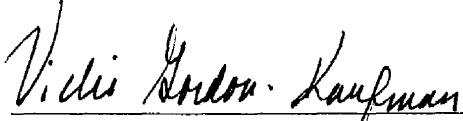
CERTIFICATE OF SERVICE

I HERBY CERTIFY that a true and correct copy of the foregoing Cargill Fertilizer, Inc.'s Objections to the First Set of Interrogatories (Nos. 1- 22) of Tampa Electric Company has been furnished by (*) hand delivery or U.S. Mail on this 11th day of August, 2003 to the following:

(*) Rosanne Gervasi
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

(*) James D. Beasley
Ausley & McMullen
227 South Calhoun Street
Post Office Box 391
Tallahassee, Florida 32302

Harry W. Long, Jr.
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601



Vicki Gordon Kaufman