

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 REQUEST FOR THE
PRODUCTION OF DOCUMENTS (NOS. 1 – 14) OF TAMPA ELECTRIC COMPANY**

Pursuant to Rule 1.350, Florida Rules of Civil Procedure, and Rule 28-106.206, Florida Administrative Code, Cargill Fertilizer, Inc. (Cargill), files its objections to the First Request for Production of Documents (Nos. 1 – 14) 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 Request for Production of Documents which will be incorporated by reference into Cargill's Responses when its Responses are served.

1. Cargill 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. Cargill 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 as explained.

3. Cargill 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 TECo through normal procedures. Because TECo has administered the SSW program, much of the information it seeks is already in its possession.

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

6. Cargill objects to any request that requires the production of "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be found and because such a request is burdensome and overbroad.

7. Cargill objects to each and every document request 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 this action.

Specific Objections

1. Cargill objects to POD No. 1 on the grounds that to the extent that there are invoices that contain pricing information, the purchase agreement specifies that the information will be kept confidential. Cargill will compile the incomplete information in its records and supply it upon the execution of an appropriate confidentiality agreement, and after due notice to the purchaser.

2. Cargill objects to POD No. 8 on the grounds that the request seeks highly confidential, proprietary business information. Cargill further objects on the grounds that it would be burdensome, oppressive and unduly time-consuming for Cargill to respond when TECo already has the information readily available to it from its meters on Cargill generation units and its own billing records.

3. Cargill objects to POD No. 14 on the grounds that it would be burdensome, oppressive and unduly time-consuming for Cargill to respond. Scheduling records are maintained 5 days a week and merely duplicate information provided to TECo in the normal course of business.

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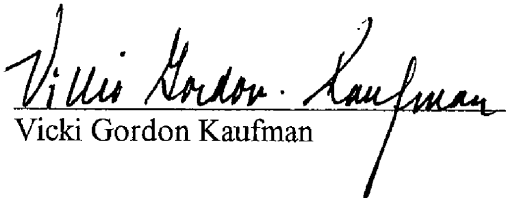
CERTIFICATE OF SERVICE

I HERBY CERTIFY that a true and correct copy of the foregoing Cargill Fertilizer, Inc.'s Objections to the First Request for Production of Documents (Nos. 1 – 14) of Tampa Electric Company has been furnished by (*) hand delivery or U.S. Mail on this 11th day of August, 2003 to the following:

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