

ORIGINAL  
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September 5, 2003

HAND DELIVERED

RECEIVED-FPSC  
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COMMISSION  
CLERK

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

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

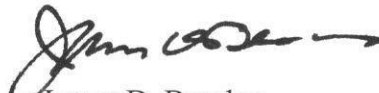
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Objections in Response to the Third Set of Interrogatories (Nos. 38-45) and Third Request for Production of Documents (Nos. 11-17) to Tampa Electric of Cargill Fertilizer, Inc.

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.

Sincerely,

  
James D. Beasley

RECEIVED & FILED  
*Jh*  
FPSC-BUREAU OF RECORDS

JDB/pp  
Enclosure

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

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
08351 SEP-5 03  
FPSC-COMMISSION CLERK

# ORIGINAL

## 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: September 5, 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  
THIRD SET OF INTERROGATORIES (NOS. 38-45) AND THIRD REQUEST  
FOR PRODUCTION OF DOCUMENTS (NOS. 11-17)  
TO TAMPA ELECTRIC 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 Third Set of Interrogatories (Nos. 38-45) and Third Request For Production Of Documents (Nos. 11-17) served by Cargill Fertilizer, Inc. ("Cargill") on Tampa Electric and says:

### General Objections

1. Tampa Electric objects to each and every interrogatory and 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 interrogatories or document requests or is later determined to be applicable based on the discovery of documents, investigation, or analysis.

DOCUMENT NUMBER-DATE

08351 SEP-5 8

FPSC-COMMISSION CLERK

2. Tampa Electric objects to each and every interrogatory and 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.
3. Tampa Electric objects to each and every interrogatory and 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, 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 and 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 interrogatory and 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 To Interrogatories**

1. Tampa Electric objects to Interrogatory No. 39 (c)-(d) on the ground that the questions posed are not likely to lead to the discovery of relevant or admissible information.
2. Tampa Electric objects to Interrogatory No. 41 on the ground that the questions posed are not likely to lead to the discovery of relevant or admissible information.

3. Tampa Electric Objects to Interrogatory No. 43 on the ground that the request is not likely to lead to the discovery of relevant or admissible information.

**Specific Objections To Document Requests**

4. Tampa Electric objects to Document Request No. 13 on the ground that the request is not likely to lead to the discovery of relevant or admissible information. Furthermore, Tampa Electric objects to Document Request No. 13 on the ground that the requested documents are a matter of public record and can be obtained by Cargill directly from a public source.
5. Tampa Electric objects to Document Request No. 14 on the ground that the request is not likely to lead to the discovery of relevant information. Furthermore, Tampa Electric objects to Document Request No. 14 on the ground that the requested documents are a matter of public record and can be obtained by Cargill directly from a public source.

WHEREFORE, Tampa Electric submits the foregoing objections to the Third Set of Interrogatories (Nos. 38-45) and Third Request For Production of Documents (Nos. 11-17) served by Cargill in this proceeding.

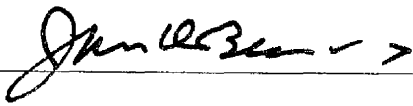
DATED this 5<sup>th</sup> day of September 2003.

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  
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Tallahassee, FL 32302  
(850) 224-9115

By:  \_\_\_\_\_

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

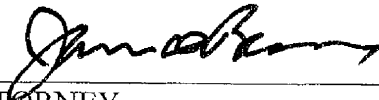
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Objections in Response to Cargill's Third Set of Interrogatories and Third Request for Production of Documents, filed on behalf of Tampa Electric Company, has been furnished by hand delivery (\*) or U. S. Mail on this 5<sup>th</sup> day of September 2003 to the following:

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

Mr. John W. McWhirter, Jr.  
McWhirter, Reeves, McGlothlin,  
Davidson, Decker, Kaufman & Arnold  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-3350

Ms. Vicki Gordon Kaufman\*  
Mr. Joseph A. McGlothlin  
Mr. Timothy J. Perry  
McWhirter, Reeves, McGlothlin,  
Davidson, Decker, Kaufman & Arnold  
117 South Gadsden Street  
Tallahassee, FL 32301

  
\_\_\_\_\_  
ATTORNEY