

# AUSLEY & MCMULLEN

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November 4, 2003

HAND DELIVERED

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

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance  
Incentive Factor; FPSC Docket No. 030001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa  
Electric Company's Response to FIPUG's Motion to Compel.

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,



Lee L. Willis

LLW/pp  
Enclosures

DOCUMENT NUMBER-DATE

10990 NOV-4-03

FPSC-DIVISION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery )  
Clause with Generating Performance Incentive ) DOCKET NO. 030001-EI  
Factor. ) FILED: November 4, 2003  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S  
RESPONSE TO FIPUG'S MOTION TO COMPEL**

Tampa Electric Company ("Tampa Electric" or "the company") files this its response to Florida Industrial Power Users Group's ("FIPUG") Motion to Compel filed at close of business on Friday, October 31, 2003, and says:

1. FIPUG's motion seeks customer specific information with respect to cogenerators or independent power producers (IPPs) which supply energy to Tampa Electric. Tampa Electric has a duty to protect customer specific information from disclosure to other customers, particularly where it could be a request for information to be used for purposes unrelated to this proceeding.

2. Tampa Electric agreed to provide a non-confidential version of the answers that provided aggregate information which redacted customer specific information with respect to identification of customer names, contract expiration dates and month-by-month information regarding capacity contracts.

3. On information and belief Tampa Electric believes the motion for obtaining the requested information could be to advantage FIPUG's members in matters unrelated to this proceeding.

4. The requested disclosure would disclose confidential propriety information of one group of Tampa Electric's customers to another group of Tampa Electric's customers for what Tampa Electric believes could be an ulterior motive.

5. Counsel for FIPUG' offer to enter into a non-disclosure agreement is insufficient because such counsel has acted in the past as a negotiator for individual members in negotiating contracts with Tampa Electric.

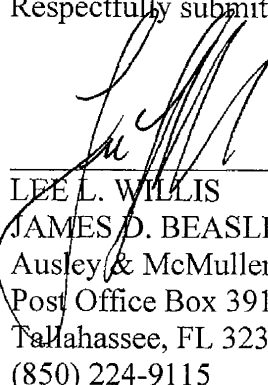
6. The disclosure of this information to FIPUG's counsel will harm other customers of Tampa Electric.

7. If the Commission feels this customer specific information should be disclosed to FIPUG, Tampa Electric will, of course, comply, but it does not want to take responsibility for such action without an order of the Commission requiring this disclosure.

WHEREFORE, Tampa Electric urges the Commission to deny FIPUG's Motion to Compel filed on October 31, 2003.

DATED this 4<sup>th</sup> day of November 2003.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Response to FIPUG's Motion to Compel, filed on behalf of Tampa Electric Company, has been furnished by hand delivery (\*) or U.S. Mail on this 4<sup>th</sup> day of November, 2003 to the following:

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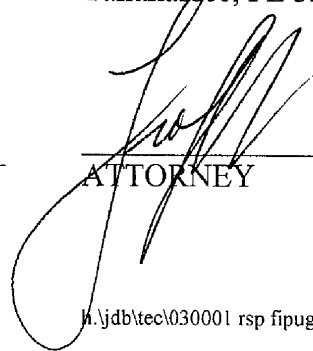
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