

JAMES E. "JIM" KING, JR.

PRESIDENT



Charles J. Beck
Interim
Public Counsel

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

JOHNNIE BYRD

SPEAKER



December 3, 2003

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 031033-EI

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and 1 copy of the Notice of Service of Citizens first set of interrogatories (Nos. 1-14) and first set of production of documents (Nos. 1-9) to Tampa Electric Company.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Handwritten signature of Robert Vandiver in cursive.

Robert Vandiver
Associate Public Counsel

RV/pwd
Enclosures

DOCUMENT NUMBER-DATE

12319 DEC-38

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's
2004-2008 waterbound transportation
contract with TECO transport and trade

Docket No. 031033-EI

Filed: December 3, 2003

CITIZENS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO TAMPA ELECTRIC COMPANY (NOS. 1 - 9)

Pursuant to § 350.0611(1), Fla. Stat. (2002), Fla. Admin. Code R. 28-106.206, and Fla. R. Civ. P. 1.350, Florida's Citizens ("Citizens"), by and through Jack Shreve, Public Counsel, request Tampa Electric Company ("TECO") to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on or before Monday, April 7, 2003, or at such other time and place as may be mutually agreed upon by counsel.

DEFINITIONS

1. The terms "document" or "documents" are meant to have the broadest possible meaning under applicable law and includes, but is not necessarily limited to, any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs,

statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

2. The term "referring or relating to" means any oral, graphic, demonstrative, telephonic, verbal, electronic (including e-mail), written or other conveyance of information, including but not limited to conversations, telecommunications, and documents.

3. As used herein the terms "you," "your," and "company" refer to Tampa Electric Company, together with the officers, employees, consultants, agents, representatives, and attorneys of Tampa Electric Company, as well as any other person or entity acting on behalf of Tampa Electric Company.

4. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.

INSTRUCTIONS

1. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

2. These discovery requests are to be answered with reference to all information in your possession, custody or control, or reasonably available to you.

3. If Tampa Electric Company has possession, custody, or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies which are different in any way from the original, whether by interlineation, receipt stamp or notation. If Tampa Electric Company does not have possession, custody, or control of the originals of the documents requested, please produce any copies in the possession, custody, or control, however made, of Tampa Electric Company.

4. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.

DOCUMENTS REQUESTED

CITIZENS FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

1. Produce all documents and work papers associated with development of the river transportation model such that the model results can be replicated.
2. Produce all documents and work papers associated with the development of the ocean transportation model such that the model results can be replicated.
3. Provide the work papers and analyses such the rates produced on bates stamp 62 (Inland River Transport costs and rates) can be replicated.
4. Produce a list of proceedings in which Mr. Dibner has appeared as a witness.
 - (a) Please indicate which proceedings have included either of the models or variants thereof referenced above.
5. Produce the Sargent and Lundy report referenced in Ms. Wehle's testimony.
6. Produce agendas of all meetings of Tampa Electric Company management in April, May and June, which include items relating to the RFP on transportation:
 - (a) Produce any minutes or notes taken during such meetings.
 - (b) Produce the written directive which authorized Ms. Wehle to begin the RFP process.
 - (c) Produce any studies or analyses which evaluated the option of issuing an RFP.
7. Produce all schedules, logs, meetings and notes of Hugh Smith from March through his separation from Tampa Electric.
8. Produce all documents concerning the RFP or other related options including the overheads and notes of any presentations concerning the RFP or options relating to the RFP during 2003.
9. Produce the balance sheet and income statement for TECO Transport for December 31, 1992, and the past five years.
10. Provide copies of all waterborne transport contracts negotiated by TECO Transport since January 1, 2000.



Robert Vandiver
Associate Public Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 3rd day of December, 2003, to the following:

James Beasley
Lee Willis
Ausley Law Firm
Post Office Box 391
Tallahassee, FL 32302

John McWhirter, Jr
McWhirter Reeves Law Firm
400 North Tampa Street, Suite 2450
Tampa, FL 33602

Gil Feltel
CSX Transportation
500 Water Street., J150
Jacksonville, FL 32302

Carlos Lissabet
2802 W. Kirby Street
Tampa, FL 33614

Catherine L Claypool
Betty J. Wise
3002 W. Kirby Street
Tampa, FL 33614

Edward A. Wilson
3003 W. Sitka Street
Tampa, FL 33614

John Rogers, Esq.
227 S. Adams Street
Florida Retail Federation
Tallahassee, FL 32301

Robert Scheffel Wright
John LaVia, III
Landers Law Firm
P. O. Box 271
Tallahassee, FL 32302

Helen Fisher
3004 W. Kirby Street
Tampa, FL 33614

John T Butler, P.A.
Steel Law Firm
200 S. Biscayne Blvd. Ste. 4000
Miami, FL 33131-2398

Angela Llewellyn
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601-0111

Lesly A. Diaz
2806 W. Kirby Street
Tampa, FL 33604

Mary Jane Williamson
7712 North Orleans Ave
Tampa, FL 33604

Sue E. Strohm
2811 W. Sitka Street
Tampa, FL 33614

Cochran Keating
Division of Legal Services
Florida Public Service Commission
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Ronald C. LaFace
Greenberg Traurig
P.O. Box 1838
Tallahassee, FL 32302

William H. Page
3006 W. Kirby Street
Tampa, FL 33614



Robert Vandiver
Associate Public Counsel
Room 812, 111 W. Madison Street
Tallahassee, Florida, 32399-1400