

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's
2004-2008 waterborne transportation contract
with TECo Transport and associated benchmark.

Docket No.: 031033-EI
Filed: January 20, 2004

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PRELIMINARY OBJECTIONS TO TAMPA ELECTRIC COMPANY'S
FIRST SET OF INTERROGATORIES (NOS. 1-11)
AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-9)**

Pursuant to the *Order Establishing Procedure*, Order No. PSC-03-1398-PCO-EI, issued December 11, 2003 (*Procedural Order*), Rule 28-106.206 of the Florida Administrative Code, and Rules 1.280, 1.340 and 1.350 of the Florida Rules of Civil Procedure, the Florida Industrial Power Users Group (FIPUG), submits its Preliminary Objections to Tampa Electric Company's (TECo) First Set of Interrogatories (Nos. 1-11) and First Request for Production of Documents (Nos. 1-9).

FIPUG files these objections to comply with the ten (10) day requirement set forth in the *Procedural Order*. These objections are preliminary in nature. Should additional grounds for objection be discovered as FIPUG prepares its responses to any discovery, FIPUG reserves the right to supplement these objections. Should FIPUG determine that a protective order is necessary with respect to any of the information requested by TECo, FIPUG reserves the right to file a motion with the Commission seeking such an order at the time it serves its written responses to TECo.

GENERAL OBJECTIONS

FIPUG makes the following general objections to TECo's interrogatories and requests for production:

1. FIPUG objects to the interrogatories and requests for production to the extent they

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are overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming as written.

2. FIPUG objects to each and every request insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG will attempt to note in its responses each instance where this objection applies.

3. FIPUG objects to the interrogatories and requests for production insofar as they are vague, ambiguous, overly broad, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these interrogatories and requests for production. Any answers FIPUG provides in response to the interrogatories and requests for production will be provided subject to, and without waiver, of the foregoing objection.

4. FIPUG objects to the interrogatories and requests for production to the extent that they purport to impose discovery obligations on FIPUG that exceed the scope of discovery allowed by the applicable Florida Rules of Civil Procedure. By way of example and not of limitation, FIPUG objects to any interrogatory or request for production that calls for the creation of information as opposed to the reporting of presently existing information.

5. FIPUG objects to each and every interrogatory and request for production to the extent that such interrogatory or request for production calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

6. FIPUG objects to each and every interrogatory and request for production to the extent that the information requested constitutes "trade secrets" pursuant to Section 90.506,

Florida Statutes. To the extent that TECo requests proprietary confidential business information, FIPUG will make such information available in accordance with a protective agreement, subject to other general or specific objections contained herein.

7. FIPUG objects to all interrogatories and requests for production that would require FIPUG to provide information that is already in TECo's possession or is in the public record before the Commission. To duplicate information that TECo already has or is readily available to TECo would be unduly burdensome and oppressive.

8. FIPUG objects to any interrogatory or request for production that seeks to obtain "all" or particular documents, items, or information to the extent that such interrogatory or request is overly broad and unduly burdensome. Any answers FIPUG provides in response to this discovery will be provided subject to, and without waiver of, the foregoing objection.

9. FIPUG objects to the definition of "FIPUG" set out in the interrogatories and requests for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

10. FIPUG objects to the definitions of "Documents" set out in the requests for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

11. For each specific objection made below, FIPUG incorporates by reference all of the foregoing general objections into each of its specific objections as though pleaded therein.

SPECIFIC OBJECTIONS TO TECO'S INTERROGATORIES

12. FIPUG objects to TECo's Interrogatory No. 2 as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG further objects to Interrogatory No. 2 as overly broad, unduly burdensome,

expensive, oppressive, and/or excessively time consuming. Notwithstanding these objections, and without waiving them, FIPUG will provide a response to this interrogatory.

13. FIPUG objects to Interrogatory No. 3 as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG further objects to Interrogatory No. 3 as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming. Notwithstanding these objections, and without waiving them, FIPUG will provide a response to this interrogatory.

14. FIPUG objects to Interrogatory No. 4 to the extent that it requests materials and/or information protected by the attorney/client privilege, the work product doctrine, or any other applicable privilege. FIPUG further objects to Interrogatory No. 4 as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming. Notwithstanding these objections, and without waiving them, FIPUG will provide a response to this interrogatory.

15. FIPUG objects to Interrogatory No. 5 to the extent that it requests materials and/or information protected by the attorney/client privilege, the work product doctrine, or any other applicable privilege. FIPUG further objects to Interrogatory No. 5 as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming. Notwithstanding these objections, and without waiving them, FIPUG will provide a response to this interrogatory.

16. FIPUG objects to Interrogatory No. 8 as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. Notwithstanding this objection, and without waiving it, FIPUG will provide a response to this interrogatory.

17. FIPUG objects to Interrogatory No. 9 as it is not reasonably calculated to lead to the discovery of admissible evidence and not relevant to the subject matter of this action.

18. FIPUG objects to Interrogatory No. 10 as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

19. FIPUG objects to TECo's Interrogatory No. 11 as it 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 TO TECO'S REQUESTS FOR PRODUCTION

20. FIPUG objects to Request for Production of Documents No. 1 as it is overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming. Notwithstanding this objection, and without waiving it, FIPUG will respond to this request.

21. FIPUG objects to Request for Production of Documents No. 2 as it is overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming. Notwithstanding this objection, and without waiving it, FIPUG will respond to this request.

22. FIPUG objects to Request for Production of Documents No. 4 to the extent that it requests materials and/or information protected by the attorney/client privilege, the work product doctrine, or any other applicable privilege. Notwithstanding this objection, and without waiving it, FIPUG will respond to this request.

23. FIPUG objects to Request for Production of Documents No. 5 to the extent that it requests materials and/or information protected by the attorney/client privilege, the work product doctrine, or any other applicable privilege. Notwithstanding this objection, and without waiving it, FIPUG will respond to this request.

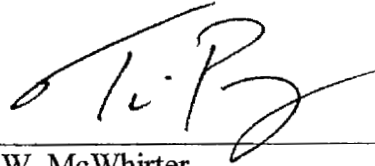
24. FIPUG objects to Request for Production of Documents No. 6 to the extent that the request seeks discovery of materials and/or information protected by the attorney/client privilege, the work product doctrine, or any other applicable privilege. FIPUG further objects to

this request for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming. Notwithstanding these objections, and without waiving them, FIPUG will respond to this request.

25. FIPUG objects to Request for Production of Documents No. 7 to the extent that the request seeks discovery of materials and/or information protected by the attorney/client privilege, the work product doctrine, or any other applicable privilege. FIPUG further objects to this request for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming. Notwithstanding these objections, and without waiving them, FIPUG will respond to this request.

26. FIPUG objects to Request for Production of Documents No. 8 as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. Notwithstanding this objection, and without waiving it, FIPUG will respond to this request.

27. FIPUG objects to Request for Production of Documents No. 9 as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. FIPUG further objects to this request for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Preliminary Objections of the Florida Industrial Power Users Group to Tampa Electric Company's First Set of Interrogatories (Nos. 1 – 11) and First Request for Production of Documents (Nos. 1-9) has been furnished by (*) hand delivery, or U.S. Mail this 20th day of January 2004, to the following:


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