

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's) **Docket No. 031033-EI**
waterborne transportation contract with)
TECO Transport and associated benchmark)
_____) **Filed February 16, 2004**

**RESIDENTIAL ELECTRIC CUSTOMERS' PRELIMINARY OBJECTIONS TO
TAMPA ELECTRIC COMPANY'S FIRST SET OF INTERROGATORIES (1-8)
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (1-17)**

Pursuant to the Order Establishing Procedure, Order No. PSC-03-1398-PCU-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, Catherine L. Claypool, Helen Fisher, William Page, Edward A. Wilson, Sue E. Strohm, Mary Jane Williamson, Betty J. Wise, Carlos Lissabet, and Lesly A. Diaz (the "Residential Electric customers"), by and through their undersigned attorney, submit their Preliminary Objections to Tampa Electric Company's (TECO) First Set of Interrogatories (Nos. 1-8) and First Request for Production of Documents (Nos. 1-17).

The Residential Electric Customers file 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 the Residential Electric Customers prepares their responses to any discovery, the Residential Electric Customers reserve the right to supplement these objections. Should the Residential Electric Customers determine that a protective order is necessary with respect to any of the information requested by TECO, the Residential Electric Customers reserve 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

The Residential Electric Customers make the following general objections to TECO's interrogatories and requests for production:

1. The Residential Electric Customers object to the interrogatories and requests for production to the extent they are overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming as written.

2. The Residential Electric Customers object to and 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. The Residential Electric Customers will attempt to note in their responses each instance where this objection applies.

3. The Residential Electric Customers object 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 the Residential Electric Customers provide in response to the interrogatories and requests for production will be provided subject to, and without waiver, of the foregoing objection.

4. The Residential Electric Customers object to the interrogatories and requests for production to the extent that they purport to impose discovery obligations on the Residential Electric Customers that exceed the scope of discovery allowed by the applicable Florida Rules of Civil Procedure. By way of example and not of limitation, the Residential Electric Customers object to any interrogatory or request for production that calls for the creation of information as

opposed to the reporting of presently existing information.

5. The Residential Electric Customers object 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. The Residential Electric Customers object 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, the Residential Electric Customers will make such information available in accordance with a protective agreement, subject to other general or specific objections contained herein.

7. The Residential Electric Customers object to all interrogatories and requests for production that would require the Residential Electric Customers 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. The Residential Electric Customers object 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 the Residential Electric Customers provide in response to this discovery will be provided subject to, and without waiver of, the foregoing objection.

9. The Residential Electric Customers object to the definition of the “Residential

Customers” set out in the interrogatories and requests for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

10. The Residential Electric Customers object 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, the Residential Electric Customers incorporate 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. The Residential Electric Customers object to TECO’s Interrogatory No. 1 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. The Residential Electric Customers further object to Interrogatory No. 1 as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

13. The Residential Electric Customers object to 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. The Residential Electric Customers further object to Interrogatory No. 2 as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

14. The Residential Electric Customers object to Interrogatory No. 3 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. The Residential Electric Customers further

object to Interrogatory No. 3 as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

15. The Residential Electric Customers object 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. The Residential Electric Customers further object to Interrogatory No. 4 as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

16. The Residential Electric Customers object 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.

SPECIFIC OBJECTIONS TO TECO'S REQUESTS FOR PRODUCTION

17. The Residential Electric Customers object to Request for Production of Documents No. 1 as it is overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

18. The Residential Electric Customers object to Request for Production of Documents No. 2 as it is overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

19. The Residential Electric Customers object to Request for Production of Documents No. 3 to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action. The Residential Electric Customers further object to this request because it requests materials and/or information protected by the attorney/client privilege, the work product doctrine, or any other applicable

privilege.

20. The Residential Electric Customers object 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.

21. The Residential Electric Customers object to Request for Production of Documents No. 5 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. The Residential Electric Customers further object to this request for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

22. The Residential Electric Customers object 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. The Residential Electric Customers further object to this request for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

23. The Residential Electric Customers object 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. The Residential Electric Customers further object to this request for production as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming.

24. The Residential Electric Customers object to Request for Production of Documents No. 15 as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming. Notwithstanding these objections, and without waiving them, the

Residential Electric Customers will attempt to respond to this request.

25. The Residential Electric Customers object to Request for Production of Documents No. 16 as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming. Notwithstanding these objections, and without waiving them, the Residential Electric Customers will attempt to respond to this request.

26. The Residential Electric Customers object to Request for Production of Documents No. 17 as overly broad, unduly burdensome, expensive, oppressive, and/or excessively time consuming. Notwithstanding these objections, and without waiving them, the Residential Electric Customers will attempt to respond to this request.

Respectfully submitted,

/s/ Michael B. Twomey
Michael B. Twomey
Attorney for Petitioner Residential
Customers of Tampa Electric Company
Post Office Box 5256
Tallahassee, Florida 32314-5256
Telephone: 850-421-9530

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of this petition has been served by U.S. Mail or email this 16th day of February, 2004 on the following:

Wm. Cochran Keating, Esq.
Senior Attorney
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Robert Vandiver, Esq.
Associate Public Counsel
Office of Public Counsel
111 West Madison Street, Rm.812
Tallahassee, Florida 32399-1400

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman
McWhirter, Reeves
117 South Gadsden Street
Tallahassee, Florida 32301

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302

Robert Scheffel Wright, Esq.
Landers and Parsons
Post Office Box 271
Tallahassee, Florida 32302

/s/ Michael B. Twomey
Attorney