

JAMES E. "JIM" KING, JR.
President



Harold McLean
Public Counsel

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
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TALLAHASSEE, FLORIDA 32399-1400
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JOHNNIE BYRD
Speaker



February 20, 2004

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 one copy of the fifth set of production of documents (No. 77) 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,

A handwritten signature in black ink, appearing to read "Robert Vandiver".

Robert Vandiver
Associate Public Counsel

RV/pwd
Enclosures

DOCUMENT NUMBER-DATE
02519 FEB 20 2004
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 031033-EI

Filed: February 20, 2004

NOTICE OF SERVICE

Pursuant to Section 350.0611, Florida Statutes, the Citizens of the State of Florida, by and through Harold McLean, Public Counsel, serve this notice that they have served Tampa Electric Company a fifth request for production of documents (No. 77).

Respectfully submitted,



Robert Vandiver
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorney for the Citizens
Of the State of Florida

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 031033-EI

Filed: February 20, 2004

**CITIZENS' FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS TO
TAMPA ELECTRIC COMPANY (NO. 77)**

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 Harold McLean, 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, March 22, 2004, 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.

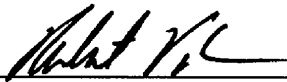
3. If Tampa Electric Company has possession, custody, or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies which are different in any way from the original, whether by

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

77. Provide all documents produced in response to Staff's First Request for Production of Documents (Nos. 1-15) served in Docket 031033-EI on February 17, 2004.



Robert Vandiver
Associate Public Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the above and foregoing has been furnished by U.S. Mail or *hand-delivery this 20th day of February, 2004:

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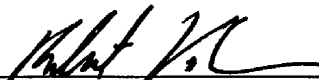
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Robert D. Vandiver
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