

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase
by Tampa Electric Company.

Docket No. 130040-EI

Filed: July 24, 2013

**OFFICE OF PUBLIC COUNSEL'S OBJECTIONS TO TAMPA ELECTRIC'S FIRST
SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
(NO. 1-8)**

Office of Public Counsel, ("Citizens"), by the requirements set forth in the Commission Order No. PSC-13-0150-PCO-EI, Rule 28-106-206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, submit the following response to the First Set of Requests for Documents (No. 1-8) propounded by Tampa Electric Company, Inc. (Tampa Electric) on July 8, 2012.

GENERAL OBJECTIONS

With respect to the "Definitions" and "Instructions" in the requests, Citizens object to any definitions or instructions that are inconsistent with Citizens' discovery obligations under applicable rules. If some question arises as to Citizens' discovery obligations, Citizens will comply with applicable rules and not with any of the definitions or instructions that are inconsistent with those rules.

Citizens object to each and every request to the extent it is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. Any responses provided by Citizens are provided subject to, and without waiver of, the foregoing objection.

Citizens object to the extent any discovery request is unduly burdensome. Citizens further object to any requests that would require Citizens and/or its consultants to perform a new study or analysis.

Citizens generally object to any request that calls for data or information protected by the attorney-client privilege, the work product privilege, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law.

Citizens reserve the right to supplement any of its responses if Citizens cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if Citizens later discover additional responsive information in the course of this proceeding. By making these general objections at this time, Citizens do not waive or relinquish its right to assert additional general and specific objections to Tampa Electric's discovery.

By making these responses herein, Citizens do not concede that any request is relevant to this action or is reasonably calculated to lead to the discovery of admissible evidence. Citizens expressly reserve the right to object to further discovery into the subject matter of any of these requests, to the introduction of evidence of any response or portion thereof, and to supplement its responses should further investigation disclose responsive information.

Citizens object to providing information to the extent that such information is already in the public record through the Florida Public Service Commission or other governmental body and available to Tampa Electric through normal procedures.

In responding to these Requests, Citizens do not waive the foregoing objections, or the specific objections that are set forth in the responses to particular requests.

ADDITIONAL SPECIFIC OBJECTIONS

In addition to the general objections which apply to every interrogatory, Citizens provide the following objections to specific requests for production of documents:

DOCUMENTS REQUESTED

1. With respect to each person whom OPC expects to call as an expert witness in this proceeding, identify the witness and produce the following in hard copy and to the extent it exists in the following format, in EXCEL or EXCEL compatible format with all formulae intact and unlocked:

- (a) Copies of all testimonies and exhibits submitted by the witness in utility regulatory proceedings in Florida and in all other regulatory jurisdictions from January 1, 2008 to date.

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

- (b) Copies of all workpapers, calculations, spreadsheets, computer models, computer programs and other materials prepared by, for or on behalf of the witness, or otherwise relied upon by the witness, that support the witness's testimony in this proceeding and all of such documents that support the conclusions or recommendations contained in such testimony.

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

- (c) Copies of all decisions and orders of regulatory agencies from January 1, 2005 to date referring to testimony presented or positions taken by the witness in the proceeding that gave rise to such decision or order.

RESPONSE: Citizens object to this request to the extent it is vague. Further, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

- (d) Copies of all orders or decisions reflecting or supporting your answer to Interrogatory 2(b).

RESPONSE: Citizens object to the extent that Interrogatory No. 2(b) it is overly board and burdensome since it does not reference a timeframe for the experts to identify such proceedings and thus the orders or decisions from those proceedings. Further, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

2. Provide complete copies of all documents, data and other information requested formally or informally by any Party to OPC in this proceeding, including the Commission Staff, identifying material by reference to the original request from the Party or Commission Staff.

RESPONSE: Citizens object to this request to the extent it is vague. Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

3. With respect to any testimony OPC plans to file in this proceeding addressing jurisdiction separation, class cost of service or rate design issues, provide a working copy of any jurisdictional and class cost-of-service studies utilized by the OPC witness to support that

testimony in this proceeding in hard copy and in EXCEL or EXCEL compatible format with all formulae intact and unlocked.

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

4. With respect to any testimony OPC plans to file in this proceeding addressing jurisdiction separation, class cost of service or rate design issues, provide a copy of all documents referenced in that testimony not otherwise provided as a separate exhibit to the testimony.

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

5. With respect to any testimony OPC plans to file in this proceeding addressing jurisdiction separation, class cost of service or rate design issues, provide a copy of all work papers underlying that testimony in hard copy and in EXCEL or EXCEL compatible format (if such format is relevant to such work papers), with all formulae intact and unlocked.

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

6. With respect to any testimony OPC plans to file in this proceeding addressing jurisdiction separation or class cost of service issues, provide a copy of all documents reviewed by the witness in reaching any conclusions that witness proposes regarding the Commission adopting a particular cost of service methodology or rejecting the Company's proposed cost of service methodology in this proceeding.

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

7. With respect to any testimony OPC plans to file in this proceeding addressing rate design issues, provide a copy of all documents reviewed by the witness in reaching any conclusions that witness proposes regarding the Commission adopting a particular rate design or rejecting the Company's proposed rate design in this proceeding.

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.

8. With respect to any testimony OPC plans to file in this proceeding addressing jurisdiction separation, class cost of service or rate design issues, provide a copy of any testimony given by the OPC witness in prior cases (before the Florida Public Service Commission, or any other United States state regulatory commission, as part of a proceeding dealing with electric utility matters) on behalf of any party, that addresses the issues of:

- a) Appropriate energy allocation of cost in class cost of service studies;
- b) Appropriate determination of classes in class cost of service studies;
- c) Appropriate allocation of cost to classes for large customers (e.g. industrial customer classes, classes for large demand customers);
- d) Appropriate allocation of cost to interruptible classes in class cost of service studies;
- e) Rate design for classes for large customers (e.g. industrial rates, large demand rates);
- f) Rate design for interruptible customers; and
- g) "Gradualism" as a word or concept when applied to electric rate design, however the witness defines it.

RESPONSE: Citizens have no specific objection at this time. However, Citizens reserve

the right to assert any additional objections based on confidentiality and/or privilege that come to Citizens' attention during the preparation of the discovery.



Patricia A. Christensen
Associate Public Counsel

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

(850) 488-9330
Attorney for Florida's Citizens

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Objections to Tampa Electric's First Set of Requests for Production of Documents (No. 1-8) was furnished by e-mail this 24th day of July, 2013 to:

James D. Beasley
Ausley Law Firm
P.O. Box 391
Tallahassee, FL 32302
Phone: 850-224-9115
FAX: (850) 222-7560

Martha Brown
Martha Barrera
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

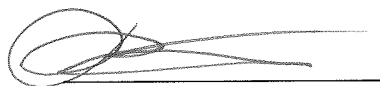
Gordon L. Gillette, President
Paula K. Brown, Manager
Tampa Electric Company
P. O. Box 111
Tampa, FL 33601-0111

Jon C. Moyle, Jr.
Moyle Law Firm, P.A.
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

Robert Scheffel Wright
Gardner, Bist, Wiener, et at., P.A.
Florida Retail Federation
1300 Thomaswood Drive
Tallahassee, FL 32308

Federal Executive Agencies
c/o Lt Col Gregory J. Fike
AFLOA/JACL-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403

WCF Hospital Utility Alliance
c/o Andrew Kurth LLP
Kenneth L. Wiseman
1350 I Street NW, Suite 1100
Washington, DC 20005



Patricia A. Christensen
Associate Public Counsel