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August 16, 2013

HAND DELIVERED

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13 AUG 16 PM 3:01  
COMMISSION  
CLERK

Ms. Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Petition for Rate Increase by Tampa Electric Company  
FPSC Docket No. 130040-EI

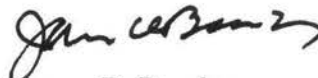
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Objections to WCF Hospital Utility Alliance's Fifth Set of Interrogatories (Nos. 149-204), and Sixth Request for Production of Documents (Nos. 174-239).

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,

  
James D. Beasley

JDB/ne  
Enclosure

cc: All Parties of Record (w/enc.)

COM	_____
· AFD	3
· APA	3
· <u>ECO</u>	5
· ENG	3
· GCL	1
IDM	_____
TEL	_____
CLK	_____

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 130040-EI

FILED: August 16, 2013

**TAMPA ELECTRIC COMPANY'S  
OBJECTIONS TO WCF HOSPITAL UTILITY ALLIANCE'S  
FIFTH SET OF INTERROGATORIES (NOS. 149-204), AND  
SIXTH REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 174-239).**

Tampa Electric Company ("Tampa Electric" or the "company"), pursuant to Rule 1.430 and 1.350, Florida Rules of Civil Procedure, Rule 28-106.206, Florida Administrative Code and this Commission's Order Establishing Procedure PSC-13-0150-PCO-EI, submits the following objections to WCF Hospital Utility Alliance's Fifth Set of Interrogatories (Nos. 149-204) and Sixth Request for Production of Documents (Nos. 174-239).

**I. Preliminary Nature of These Objections**

1. Tampa Electric objections stated herein are preliminary in nature. Tampa Electric is furnishing its objections consistent with the time frame set forth in the Commission's Order Establishing Procedure, Order No. PSC-13-0150-PCO-EI, and Rule 1.190(e), Florida Rules of Civil Procedure. Should additional grounds for objection be discovered as Tampa Electric develops its responses, Tampa Electric reserves the right to supplement or modify its objections up to the time it serves its responses. Should Tampa Electric determine that a protective order is necessary regarding any of the information requested of Tampa Electric, Tampa Electric reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

## II. General Objections

2. Tampa Electric objects to each and every interrogatory request for documents that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time response is first made or is later determined to be applicable for any reason. Tampa Electric in no way intends to waive such privilege or protection. The nature of the document(s), if any, will be described in a privilege log prepared by Tampa Electric.

3. In certain circumstances, Tampa Electric may determine, upon investigation and analysis, that information responsive to certain discovery requests to which objections are not otherwise asserted are confidential and proprietary and should be produced only with provisions in place to protect the confidentiality of the information, if at all. By agreeing to provide such information in response to such request, Tampa Electric is not waiving its right to insist upon appropriate protection of confidentiality by means of a protective order or other action to protect the confidential information requested. Tampa Electric asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

4. Tampa Electric is a large corporation with employees located in many different locations. In the course of its business, Tampa Electric creates numerous documents that are not subject to Florida Public Service Commission or other governmental record retention requirements. These documents are kept in numerous locations and frequently are moved from site to site as employees change jobs or as business is reorganized. Therefore, it is possible that not every relevant document may have been consulted in developing Tampa Electric's response.



Rather, these responses provide all the information that Tampa Electric obtained after a reasonable and diligent search conducted in connection with this discovery request. To the extent that the discovery requests propose to require more, Tampa Electric objects on the grounds that compliance would impose an undue burden or expense on Tampa Electric.

5. Tampa Electric objects to each request to the extent that it seeks information that is duplicative or not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

6. Tampa Electric objects to each 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.

7. Tampa Electric also objects to these discovery requests to the extent they call for Tampa Electric to prepare information in a particular format or perform calculations or analyses not previously prepared or performed as purporting to expand Tampa Electric's obligations under applicable law. Tampa Electric will comply with its obligations under the applicable rules of procedure.

8. Tampa Electric objects to providing information to the extent that such information is already in the public record before a public agency and available through normal procedures or is readily accessible through legal search engines.

9. Tampa Electric objects to any definition or instruction or question in any interrogatory or request that seeks information from persons or entities who are not parties to this proceeding or that are not subject to discovery under applicable rules.

10. Tampa Electric objects to each and every discovery request that calls for the production of documents and/or disclosure of information from any entity other than Tampa

Electric that does not deal with transactions or cost allocations between Tampa Electric and any other entity. Such documents and/or information do not affect Tampa Electric's rates or cost of service to Tampa Electric's customers. Therefore, those documents and/or information are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Tampa Electric is the party appearing before the Florida Public Service Commission in this docket. To require any non-regulated entities to participate in irrelevant discovery is by its very nature unduly burdensome and overbroad. Subject to, and without waiving, any other objections, Tampa Electric will respond to the extent the request pertains to Tampa Electric or Tampa Electric's rates or cost of service charged to Tampa Electric's customers. To the extent any responsive documents contain irrelevant affiliate information as well as information related to Tampa Electric and Tampa Electric's rates or cost of service charged to its customers, Tampa Electric may redact the irrelevant affiliate information from the responsive documents.

11. Tampa Electric objects to any production location other than at its Tampa office, located at 702 North Franklin Street, Tampa, Florida 33602, unless otherwise agreed by the parties.

12. Tampa Electric objects to each and every discovery request and any instructions that purport to expand Tampa Electric's obligations under applicable law.

13. In addition, Tampa Electric reserves its right to count discovery requests and their sub-parts, as permitted under the applicable rules of procedure, in determining whether it is obligated to respond to additional discovery requests served by any party.

14. Tampa Electric expressly reserves and does not waive any and all obligations it may have to the admissibility, authenticity or relevancy of the information provided in its responses.

15. Tampa Electric objects to any attempt by the party seeking discovery to evade any numerical limitations set on interrogatories or requests by asking multiple independent discovery requests within single individual discovery requests and subparts thereof. By making these general objections at this time, Tampa Electric does not waive or relinquish its right to assert additional general and specific objections to the subject discovery at the time Tampa Electric's response is due.

### **III. Specific Objections**

16. Subject to the foregoing general objections, Tampa Electric specifically objects to HUA's POD No. 191:

191: Regarding Ashburn Rebuttal at 13:1-19:14 and Document No. 1. Please produce all documents that contain a discussion by, or on behalf of, Tampa Electric or considerations in connection with adding or converting capacity to serve peak load and/or off-peak load.

**Basis for Objection:** Tampa Electric objects to HUA's POD No. 191 on the ground that the subject matter of the request is overly broad. That together with the fact that no specific time period has been included to define and limit the company's search renders the request unduly burdensome, especially in light of the short time period in which the company has to respond. While the company does not plan for off-peak load, all aspects of generation expansion activities including planning, construction, fuel selection and related activities come into play in assessing how to best serve peak load. Attempting to respond to this



request would require a massive search throughout all areas of the company.

Consequently, the breadth of the request is overly broad and unduly burdensome.

17. Subject to the foregoing general objections, Tampa Electric specifically objects to HUA's POD No. 198:

198. Regarding Callahan Rebuttal at 7:23-8:4. Please provide each agreement with a counterparty that would be effected[sic] by a one rating notch (e.g., S&P rating from BBB+ to BBB) downgrade in any Tampa Electric's credit ratings.

**Basis for Objection:** Tampa Electric objects to HUA's POD No. 198 on the grounds that producing the documents in question would impose an unduly burdensome task on Tampa Electric that likely would not be possible to complete prior to the hearing in this matter. Tampa Electric has voluminous agreements with all manner of counterparties who are both suppliers of goods and services provided to Tampa Electric as well as recipients of goods and services provided by Tampa Electric. Responding to this POD request would require Tampa Electric to search through thousands of pages of agreements throughout its various departments, power plants and other facilities to ascertain those agreements containing provisions that would be directly impacted by a one notch rating downgrade in the company's credit ratings. Virtually all of Tampa Electric's existing and future agreements with its suppliers of goods and services and those to whom Tampa Electric supplies goods and services could be indirectly impacted by a diminution of the company's credit quality. Moreover, Tampa Electric considers all of its competitively negotiated contracts to be confidential information, the public disclosure of which would be harmful to the company's ability to negotiate future agreements for the acquisition and the provision of goods and services on favorable terms with future counterparties. As such, Tampa Electric would be required to seek

confidential treatment of all manner of negotiated agreements. A preliminary assessment of all of the various agreements Tampa Electric may have in place suggests that this would involve the production of over 10,000 pages of confidential material.

In addition to the foregoing, many of the same persons who are deeply involved in the final stages of preparing for the hearing scheduled to commence in this docket on September 9, 2013 would have to divert their attention away from that effort and sift through countless agreements, purchase orders and contracts that may be responsive to this request, thereby adversely impacting the quality of that hearing preparation and the quality of the information needed by the Commission in its consideration and resolution of the issues to be decided in this proceeding. Such a result would impose a severe and undue burden on those individuals, not to mention the stress and anxiety of attempting to take on two major undertakings simultaneously. The disruptive and adverse nature of that impact would severely outweigh any probative benefit to be derived from the documents in question.

Finally, in the event Tampa Electric is required to comply with this unduly burdensome production of documents request, basic fairness and economic considerations require that the documents be produced in their various locations on site at Tampa Electric's various facilities.

18. Subject to the foregoing general objections, Tampa Electric makes the following specific objection to HUA's POD No. 199:

199. Regarding Callahan Rebuttal at 7:23-8:4. Please provide each agreement with a counterparty that would be effected[sic] if Tampa Electric's ratings were downgraded to below investment grade.



**Basis for Objection:** Tampa Electric objects to HUA's POD No. 199 on the grounds that producing the documents in question would impose an unduly burdensome task on Tampa Electric that likely would not be possible to complete prior to the hearing in this matter. Tampa Electric has voluminous agreements with all manner of counterparties who are both suppliers of goods and services provided to Tampa Electric as well as recipients of goods and services provided by Tampa Electric. Responding to this POD request would require Tampa Electric to search through thousands of pages of agreements throughout its various departments, power plants and other facilities to ascertain those agreements containing provisions that would be directly impacted by a downgrade in the company's ratings below investment grade. Virtually all of Tampa Electric's existing and future agreements with its suppliers of goods and services and those to whom Tampa Electric supplies goods and services could be indirectly impacted by a diminution of the company's credit quality. Moreover, Tampa Electric considers all of its competitively negotiated contracts to be confidential information, the public disclosure of which would be harmful to the company's ability to negotiate future agreements for the acquisition and the provision of goods and services on favorable terms with future counterparties. As such, Tampa Electric would be required to seek confidential treatment of all manner of negotiated agreements. A preliminary assessment of all of the various agreements Tampa Electric may have in place suggests that this would involve the production of over 10,000 pages of confidential material.

In addition to the foregoing, many of the same persons who are deeply involved in the final stages of preparing for the hearing scheduled to commence in this docket on September 9, 2013 would have to divert their attention away from that effort and sift

through countless agreements, purchase orders and contracts that may be responsive to this request, thereby adversely impacting the quality of that hearing preparation and the quality of the information needed by the Commission in its consideration and resolution of the issues to be decided in this proceeding. Such a result would impose a severe and undue burden on those individuals, not to mention the stress and anxiety of attempting to take on two major undertakings simultaneously. The disruptive and adverse nature of that impact would severely outweigh any probative benefit to be derived from the documents in question.

Finally, in the event Tampa Electric is required to comply with this unduly burdensome production of documents request, basic fairness and economic considerations require that the documents be produced in their various locations on site at Tampa Electric's various facilities.

19. Subject to the foregoing general objections, Tampa Electric makes the following specific objection to HUA's ROG No. 156:

156: Regarding Callahan Rebuttal at 7:23-8:4. Please list each agreement with a counterparty that would be affected by a one rating notch (e.g. S&P rating from BBB+ to BBB) downgrade in any Tampa Electric's credit ratings.

**Basis for Objection:** Tampa Electric objects to HUA's ROG No. 156 on the grounds that listing each agreement with a counterparty that would be affected by a one notch downgrade in any of Tampa Electric's credit ratings would impose an unduly burdensome task on Tampa Electric that likely would not be possible to complete prior to the hearing in this matter. Tampa Electric has voluminous agreements with all manner of counterparties who are both suppliers of goods and services provided to Tampa Electric as well as recipients of goods and services provided by Tampa Electric. Responding to this

ROG will require Tampa Electric to search through thousands of pages of agreements through its various departments, power plants and other facilities to ascertain those agreements containing provisions that would be directly impacted by a one notch rating downgrade in the company's credit ratings. Virtually all of Tampa Electric's existing and future agreement with its suppliers of goods and services and those to whom Tampa Electric supplies goods and services could be indirectly impacted by a diminution of the company's credit quality.

In addition to the foregoing, many of the same persons who are deeply involved in the final stages of preparing for the hearing scheduled to commence in this docket on September 9, 2013 would have to divert their attention away from that effort and sift through countless agreements, purchase orders and contracts responsive to this request, thereby adversely impacting the quality of that hearing preparation and the quality of the information needed by the Commission in its consideration and resolution of the issues to be decided in this proceeding. Such a result would impose a severe and undue burden on those individuals, not to mention the stress and anxiety of attempting to take on two major undertakings simultaneously. The disruptive and adverse nature of that impact would severely outweigh any probative benefit to be derived from a list of the agreements in question.

20. Subject to the foregoing general objections, Tampa Electric makes the following specific objection to HUA's ROG No. 157:

157: Regarding Callahan Rebuttal at 7:23-8:4. Please list each agreement with a counterparty that would be affected if Tampa Electric's ratings were downgraded to below investment grade.




**Basis for Objection:** Tampa Electric objects to HUA's ROG No. 157 on the grounds that listing each agreement with a counterparty that would be affected by a downgrade in the company's ratings below investment grade in any of Tampa Electric's credit ratings would impose an unduly burdensome task on Tampa Electric that likely would not be possible to complete prior to the hearing in this matter. Tampa Electric has voluminous agreements with all manner of counterparties who are both suppliers of goods and services provided to Tampa Electric as well as recipients of goods and services provided by Tampa Electric. Responding to this ROG will require Tampa Electric to search through thousands of pages of agreements throughout its various departments, power plants and other facilities to ascertain those agreements containing provisions that would be directly impacted by a one notch downgrade in the company's credit ratings. Virtually all of Tampa Electric's existing and future agreement with its suppliers of goods and services and those to whom Tampa Electric supplies goods and services could be indirectly impacted by a diminution of the company's credit quality.

In addition to the foregoing, many of the same persons who are deeply involved in the final stages of preparing for the hearing scheduled to commence in this docket on September 9, 2013 would have to divert their attention away from that effort and sift through countless agreements, purchase orders and contracts that may be responsive to this request, thereby adversely impacting the quality of that hearing preparation and the quality of the information needed by the Commission in its consideration and resolution of the issues to be decided in this proceeding. Such a result would impose a severe and undue burden on those individuals, not to mention the stress and anxiety of attempting to take on two major undertakings simultaneously. The disruptive and adverse nature of

that impact would severely outweigh any probative benefit to be derived from a list of the agreements in question.

DATED this 16<sup>th</sup> day of August 2013.

Respectfully submitted,

  
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J. JEFFRY WAHLEN  
KENNETH R. HART  
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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Objections to WCF Hospital Utility Alliance's Fifth Set of Interrogatories (Nos. 149-204) and Sixth Request for Production of Documents (Nos. 174-239), filed on behalf of Tampa Electric Company, was served by hand delivery\*, electronically\*\*, or by U. S. Mail\*\*\*, on this 16<sup>th</sup> day of August, 2013 to the following:

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Martha Brown  
Suzanne Brownless  
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