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March 29, 2001

BY HAND DELIVERY

Ms. Blanca S. Bayo, Director Division of Records and Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Re: Determination of Regulated Earnings of Tampa Electric Company

Pursuant to Stipulations for Calendar Years 1995 through 1999;

Docket No. 950379-EI

Dear Ms. Bayo:

Enclosed for filing in the above referenced are the original and fifteen (15) copies of Preliminary Objections to Public Counsel's First Request for Production of Documents (1999) to Tampa Electric Company (No. 1).

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

Thank you for your assistance in connection with this matter.

LLW/bjd Enclosures

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

DOCUMENT MUMBER-DATE

03925 MAR 29 a

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of Regulated Earnings)	DOCKET NO. 950379-EI
of Tampa Electric Company Pursuant to)	
Stipulations for Calendar Years 1995)	Filed: March 29, 2001
through 1999.)	
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PRELIMINARY OBJECTIONS TO PUBLIC COUNSEL'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (1999) TO TAMPA ELECTRIC COMPANY (NO. 1)

Tampa Electric Company ("Tampa Electric" or "the company") files this its Preliminary Objections to Public Counsel's First Request for Production of Documents (1999) to Tampa Electric Company (No. 1).

- 1. Because of the breadth of the wording of the request, the company states certain objections to Document Request No. 1. Subject to and without waiving its objections stated below, Tampa Electric will make a good faith effort to produce documents that are responsive to this request.
- 2. Tampa Electric objects to Document Request No. 1 to the extent it calls for information which is exempt from discovery by virtue of the attorney/client privilege, work product privilege, or other applicable privilege. Moreover, the use of the term "related to" as used in Document Request No. 1 would improperly require Tampa Electric in its response to disclose the mental impression or other privileged work product of its attorneys.
- 3. Tampa Electric further objects to the use of the term "related to" in Document Request No. 1 on the grounds that the term is vague and the use of this term renders the request vague, overbroad and ambiguous.

- 4. Tampa Electric objects to Document Request No. 1 to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to § 90.506, F.S. or which is proprietary confidential business information. Notwithstanding its objection, Tampa Electric will produce documents which contain propriety confidential business information under the Commission's procedures for protecting confidential information as a mutually acceptable procedure which provides OPC access to this information and which maintains the confidentiality of the documents.
- 5. Tampa Electric objects to Document Request No. 1 to the extent it seeks "all" documents on the ground that such requirement is burdensome, excessive, oppressive and/or excessively expensive. 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 records retention requirements. These documents are kept in numerous locations and are frequestly moved from site to site as employees change jobs or its business is reorganized. Nevertheless, Tampa Electric will make a good faith effort to locate responsive documents in all locations where they are expected to be found in the ordinary course of business.
 - 6. Tampa Electric objects to the definitions provided as overbroad and burdensome.

Motion for Protective Order

7. To the extent that a Motion for Protective Order is required, Tampa Electric's objections are to be construed as a request for a protective order.

WHEREFORE, Tampa Electric submits the foregoing as its Preliminary Objections to OPC's First Request for Production of Document (No. 1).

DATED this 29th day of March 2001.

Respectfully submitted,

LEE L. WILLIS
JAMES D. BEASLEY and
KENNETH R. HART

Ausley & McMullen

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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Preliminary Objections to Public Counsel's First Request for Production of Documents (1999) to Tampa Electric Company (No. 1), filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 29th day of March 2001 to the following:

Mr. Robert V. Elias*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

John Roger Howe Deputy Public Counsel Office of Public Counsel 111 West Madison Street, Rm. 812 Tallahassee, FL 32399

Attorney