

Dorothy Menasco

From: Jim Beasley [jbeasley@ausley.com]
Sent: Monday, April 19, 2010 4:23 PM
To: Filings@psc.state.fl.us
Cc: James Brew; Jeff Stone; Russell Badders; Wade Litchfield; Vicki Kaufman; Charles Beck; John McWhirter; Randy Miller; John Burnett; Paul Lewis; Katherine Fleming; Susan Ritenour
Subject: Dkt. 100002-EG; TECO's Objection to OPC's 1st Interrogatories
Attachments: Dkt. 100002 Obj OPC 1st IRR.pdf



Dkt. 100002
OPC 1st IRR.p

Electronic filing

a. Person responsible for this electronic filing:

James D. Beasley
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b. Docket No. 100002-EG

In re: Energy Conservation Cost Recovery Clause

c. The document is being filed on behalf of Tampa Electric Company

d. There is a total of 4 pages, including cover letter

e. The document attached for electronic filing is Tampa Electric Company's Objections to Office of Public Counsel's First Set of Interrogatories (Nos. 1-3)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost)
Recovery Clause)
_____)

DOCKET NO. 100002-EG
FILED: April 19, 2010

**TAMPA ELECTRIC COMPANY'S
OBJECTIONS TO OFFICE OF PUBLIC COUNSEL'S
FIRST SET OF INTERROGATORIES (NOS. 1-3)**

Pursuant to Fla. Admin. Code R. 28-106.2006, Rule 1.340 of the Florida Rules of Civil Procedure, and the Order Establishing Procedure in this matter, Tampa Electric Company ("Tampa Electric" or "the company") hereby serves its objections to the Office of Public Counsel's ("OPC") First Set of Interrogatories (Nos. 1-3) and states as follows:

GENERAL OBJECTIONS

With respect to the "Definitions" in OPC's First Set of Interrogatories, Tampa Electric objects to any definitions or instructions that are inconsistent with Tampa Electric's discovery objections under applicable rules. If some question arises as to Tampa Electric's discovery obligations, Tampa Electric will comply with applicable rules and not with any of OPC's definitions or instructions that are inconsistent with those rules. Furthermore, Tampa Electric objects to any interrogatory that calls for Tampa Electric to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

Tampa Electric objects to any definition or interrogatory that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

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FPSC-COMMISSION CLERK

Tampa Electric also objects to any Interrogatory or Request for Production that purports to require Tampa Electric or its experts to prepare studies, analysis, or to do work for OPC that has not been done for Tampa Electric, presumably at Tampa Electric's cost.

Additionally, Tampa Electric generally objects to OPC's first interrogatories to the extent that they call for data or 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.

Tampa Electric also objects to any attempt by OPC to evade the numerical limitations set on interrogatories in the Order Establishing Procedure by asking multiple independent questions within single individual questions and subparts.

Finally, Tampa Electric reserves the right to supplement any of its responses to OPC's first interrogatories if Tampa Electric cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if Tampa Electric later discovers additional responsive information in the course of this proceeding.

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 OPC's discovery at the time Tampa Electric's response is due.

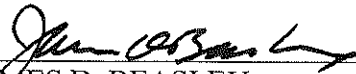
SPECIFIC OBJECTIONS

Interrogatory 3: Tampa Electric objects to this interrogatory to the extent it asks Tampa Electric to do work or perform analyses for OPC, presumably at Tampa Electric's expense, where such work or analyses may not have been previously done for Tampa Electric. Subject to and

without waiving this objection or any of Tampa Electric's general objections, Tampa Electric will answer this question with information and facts in Tampa Electric's possession.

DATED this 19th day of April 2010.

Respectfully submitted,



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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 OPC's First Set of Interrogatories (Nos. 1-3) has been furnished by electronic and U. S. Mail on this 19th day of April 2010 to the following:

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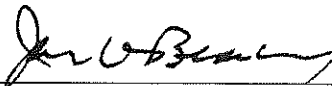
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