

ORIGINAL

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99 SEP 30 PM 4:33

RECORDS AND REPORTING

September 30, 1999

HAND DELIVERED

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

Re: Generic Investigation into Aggregate Electric Utility Reserve Margins Planned for Peninsular Florida; FPSC Docket No. 981890-EI

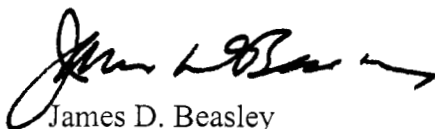
Dear Ms. Bayo:

Enclosed for filing in this docket are the original and fifteen (15) copies of Tampa Electric Company's Response to Florida Industrial Power Users Group's Motion to Compel Tampa Electric Company to Respond to Discovery.

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.

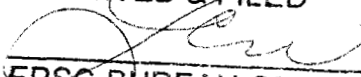
Sincerely,



James D. Beasley

- AFA 2 JDB/pp
- APP \_\_\_\_\_ Enclosures
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG 7/7/99
- LEG \_\_\_\_\_
- MAS 5
- OPC \_\_\_\_\_
- PAI 2
- SEC 1
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

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

RECEIVED & FILED  
  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11825 SEP 30 99

FPSC-RECORDS/REPORTING

ORIGINAL

In re: Generic investigation into the )  
aggregate electric utility reserve )  
margins planned for Peninsular )  
Florida. )  
\_\_\_\_\_ )

DOCKET NO. 981890-EU  
FILED: September 30, 1999

**TAMPA ELECTRIC COMPANY'S RESPONSE TO  
FLORIDA INDUSTRIAL POWER USERS GROUP'S MOTION TO  
COMPEL TAMPA ELECTRIC COMPANY TO RESPOND TO DISCOVERY**

Tampa Electric Company ("Tampa Electric" or "the company") responds as follows to the above referenced motion served September 23, 1999 and says:

1. Tampa Electric adheres to its objections based on the fact that this proceeding is a general investigation. To be sure the Commission has regulatory authority over electric utilities under various provisions of Chapter 366, Florida Statutes. However, the existence of that jurisdiction does not supercede the requirements of the Administrative Procedures Act ("APA") or the Uniform Rules of Procedure. Section 120.57(5), Florida Statutes, makes it very clear that Section 120.57 does not apply to agency investigations preliminary to agency action. As such, the investigation in this docket may not be conducted as a Section 120.57 proceeding. In addition, under Chapter 28-106 of the Uniform Rules of Procedure discovery is inappropriate in an investigation since it is not a proceeding in which substantial interests are being determined.

2. Tampa Electric adheres to its responses and objections to specific FIPUG discovery requests for the grounds stated therein. Much of what FIPUG has requested through inappropriate discovery would require expensive and unduly burdensome research in preparation on the part of Tampa Electric Company and would detract from the company's ability to properly prepare for this proceeding. In addition, as stated in the company's earlier objections,

DOCUMENT NUMBER-DATE

11825 SEP 30 8

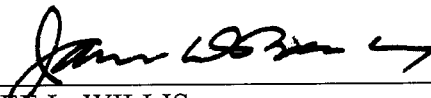
FPSC-RECORDS/REPORTING

many of FIPUG's discovery requests of Tampa Electric ask for information which is not relevant to the subject matter of this proceeding and is not likely to lead to the discovery of admissible evidence.

WHEREFORE, Tampa Electric Company adheres to the objections filed September 20, 1999 in the above proceeding and urges that FIPUG's Motion to Compel be denied in all respects.

DATED this 30<sup>th</sup> day of September 1999.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Response to FIPUG's Motion to Compel, filed on behalf of Tampa Electric Company, has been served by U. S. Mail or hand delivery(\*) on this 30<sup>th</sup> date of September 1999 to the following:

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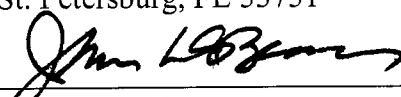
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