

# MACFARLANE AUSLEY FERGUSON & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

11 MADISON STREET SUITE 2300  
P. O. BOX 1531 ZIP 33601  
TAMPA FLORIDA 33602  
TEL: 278-8700 FAX: (813) 278-3595

227 SOUTH CALHOUN STREET  
P. O. BOX 991 ZIP 32301  
TALLAHASSEE FLORIDA 32301  
PHONE: 224-9315 FAX: (904) 222-1580

400 CLEVELAND STREET  
P. O. BOX 1689 ZIP 34617  
CLEARWATER FLORIDA 34615  
PHONE: 481-8966 FAX: (813) 442-8417

May 2, 1996

HAND DELIVERY

IN REPLY REFER TO:

Tallahassee

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

ORIGINAL  
FILE COPY

Re: Prudency Review to Determine Regulatory  
Treatment of Tampa Electric Company's  
Polk Unit; FPSC Docket No. 960409-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket on behalf of Tampa Electric Company are the original and fifteen (15) copies of each of the following:

1. Tampa Electric Company's Written Response and Objections to Staff's First Request for Production of Documents to Tampa Electric Company (Nos. 1-9).
2. Tampa Electric Company's Notice of Intent to Request Confidential Classification.

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,

Lee L. Willis

ACK    
 AFA 5   
 APP \_\_\_\_\_   
 CRF \_\_\_\_\_   
 CMU \_\_\_\_\_   
 CTR \_\_\_\_\_   
 EFC Dudley   
 LLW/pp   
 LFT 1 Enclosures   
 LHM 5   
 LNS \_\_\_\_\_   
 LSH \_\_\_\_\_   
 LSP 1   
 WAS \_\_\_\_\_   
 OTH \_\_\_\_\_

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

WRITTEN RESPONSE  
 DOCUMENT NUMBER - DATE  
 04964 MAY-28  
 FPSC-RECORDS/REPORTING

NOI  
 DOCUMENT NUMBER - DATE  
 04965 MAY-28  
 FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Prudency Review to Determine )  
Regulatory Treatment of Tampa Electric )  
Company's Polk Unit )

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DOCKET NO. 960409-EI

FILED: May 2, 1996

**TAMPA ELECTRIC COMPANY'S WRITTEN RESPONSE AND  
OBJECTIONS TO STAFF'S FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS TO TAMPA ELECTRIC COMPANY (NOS. 1 - 9)**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rules 25-22.034 and 25-22.035, Florida Administrative Code, and Rules 1.280 and 1.350, Florida Rules of Civil Procedure, submits this its written response to Staff's First Request for Production of Documents to Tampa Electric Company (Nos. 1-9) and says:

1. On April 22, 1996 Tampa Electric filed its Objections and Motion for Protective Order relative to Staff's First Request for Production of Documents to Tampa Electric Company (Nos. 1-9) (Staff's First POD). At the time Tampa Electric was still reviewing documents and filed its preliminary objections and motion in order to comply with the 10 day notice requirement discussed at the April 9, 1996 issue identification meeting in this docket. Subsequent to that filing, Tampa Electric has completed a review of the documents falling within the descriptions contained in Staff's First POD.

2. Notwithstanding the bases for Tampa Electric's earlier objections, the company will strive to produce for inspection and copying all relevant documents which reasonably relate to the

DOCUMENT NUMBER-DATE

04964 MAY-2 1996

FPSC-RECORDS/REPORTING

contained in Staff's POD Nos. 1 through 5 and 8. The company will do so in an effort to avoid unnecessary litigation costs for all parties to the proceeding, and to facilitate the timely resolution of this docket in accordance with the current schedule.

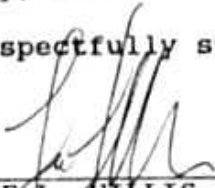
3. Tampa Electric adheres to its previously stated objections to Staff's First POD Requests Nos. 6 and 7 and incorporates herein by reference the grounds stated for such objections in the company's April 22, 1996 Objections and Motion for Protective Order. Disclosure of documents of the types described in these two requests would be harmful to the interests of Tampa Electric and its customers. In lieu of formally producing these documents, Tampa Electric offers to produce the appropriate company representative to informally discuss with the parties the subject matter of these two requests and to informally respond to questions in an effort to satisfy Staff's interest.

4. Tampa Electric will produce the above-referenced documents responsive to Staff's First POD Request Nos. 1 through 5 and 8 in the office of Macfarlane Ausley Ferguson & McMullen, 227 South Calhoun Street, Tallahassee, Florida 32301 at a date and time mutually agreeable to Staff and the company. Staff Counsel is requested to contact the undersigned for purposes of scheduling the review of the above-referenced documents.

WHEREFORE, Tampa Electric submits the foregoing Written Response and Objections to Staff's First Request for Production of Documents to Tampa Electric Company Nos. 1-9.

DATED this 2<sup>nd</sup> day of May, 1996.

Respectfully submitted,



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LEE L. WILLIS  
JAMES D. BEASLEY  
Macfarlane Ausley Ferguson & McMullen  
Post Office Box 391  
Tallahassee, FL 32302  
(904) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Written Response and Objections to Staff's First Request for Production of Documents to Tampa Electric (Nos. 1-9), filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 2<sup>nd</sup> day of May, 1996 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

Ms. Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas  
117 S. Gadsden Street  
Tallahassee, FL 32301

Mr. Jack Shreve  
Mr. John Roger Howe  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street - #812  
Tallahassee, FL 32399-1400

Mr. John W. McWhirter, Jr.  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas  
100 North Tampa Street  
Suite 2800  
Tampa, FL 33602

  
\_\_\_\_\_  
ATTORNEY

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