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June 12, 2000

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RECEIVED-FPSC

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

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor; FPSC Docket No. 000001-EI

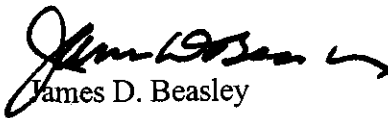
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa Electric Company's Response in Opposition to Florida Industrial Power Users Group's Motion to Compel.

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,

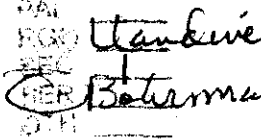
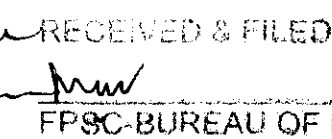

James D. Beasley

JDB/pp
Enclosures

APP
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cc: All parties of record (w/enc.)

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

07234 JUN 13 8

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive)
Factor.)
_____)

DOCKET NO. 000001-EI
FILED: June 13, 2000

**TAMPA ELECTRIC COMPANY'S RESPONSE IN OPPOSITION
TO FLORIDA INDUSTRIAL POWER USER GROUP'S MOTION TO COMPEL**

Tampa Electric Company ("Tampa Electric" or "the company") pursuant to Rule 28-106.204, Florida Administrative Code, responds as follows in opposition to the Florida Industrial Power User Group's ("FIPUG") Motion to Compel:

Tampa Electric's General Objections are in Order

1. In response to FIPUG's broad band of discovery requests, Tampa Electric included general objections primarily owing to the very abbreviated 10-day period within which to file objections. Tampa Electric was constrained to make these general objections because the company could not evaluate all of the information requested in FIPUG's numerous discovery requests within the 10-day period preceding the deadline for filing objections.

2. It can and often does take more than 10 days to determine, for example, the extent to which assembling a requested category of documents is a task easily accomplished or one so burdensome as to require an entry of a protective order. Tampa Electric filed its general objections to make clear that the company would not waive otherwise valid objections simply because the volume of FIPUG's discovery requests precluded the company from completing an orderly evaluation of those requests within the 10-day time frame set forth in the order establishing procedure.

DOCUMENT NUMBER-DATE

07234 JUN 13 8

FPSC-RECORDS/REPORTING

3. In many instances, notwithstanding the general objections, Tampa Electric has indicated that it will respond to the discovery requests to the extent possible.

Tampa Electric's Specific Objections are in Order

4. Tampa Electric's objections make clear the burdensome nature of the multi-faceted request in Interrogatory No. 1 for a multitude of information on an hour-by-hour and customer-by-customer basis. FIPUG does not allege that it represents all interruptible customers of Tampa Electric. FIPUG does not allege, by name, that it represents a single interruptible customer of Tampa Electric. FIPUG's request for any information regarding Tampa Electric's service on a customer-by-customer basis is entirely inappropriate in that it calls for a breach of the traditionally maintained confidential utility/customer relationship. This is particularly true since FIPUG may represent competitors of some of Tampa Electric's interruptible customers FIPUG may not represent.

5. Tampa Electric states in its response to Interrogatory No. 1 that the company has furnished FIPUG, on a confidential basis and subject to a non-disclosure agreement, voluminous documents reflecting much of the information sought in Interrogatory No. 1 during the reserve margin docket covering the period April 1, 1999 through October 31, 1999. In addition, Tampa Electric has produced much of the information requested by FIPUG in response to Staff discovery requests in recent proceedings in which FIPUG has been an active party. The company points out that in response to FIPUG's current Request for Production of Document No. 2, the company has offered to provide FIPUG the same type of documents from November 1, 1999 to April 30, 2000, the most currently available, subject to FIPUG's execution of a non-disclosure agreement acceptable to Tampa Electric. Again, much of the information requested in

Interrogatory No. 1 may be taken from such documents by FIPUG through its own effort. This good faith offer stands.

6. In its Motion FIPUG suggests that the information produced by Tampa Electric in the reserve margin docket is not exactly what FIPUG has sought in this proceeding. Tampa Electric asserts that much of the information requested by FIPUG in Interrogatory No. 1 can be found, if anywhere, in the same documents the company provided in the reserve margin docket.

7. Next, FIPUG contends the issues in the reserve margin docket are not the same as the issues in this docket, which is incorrect. Nevertheless, Tampa Electric stands by its offer to allow FIPUG to review the subject documents covering the period November 1, 1999 through April 30, 2000, the most currently available, subject to FIPUG's execution of a non-disclosure agreement acceptable to Tampa Electric, in lieu of attempting to answer the specific requests contained in Interrogatory No. 1. This option is available to Tampa Electric under the rules as FIPUG recognizes. Moreover, if information of the type requested by FIPUG exists in other documents, it will be within the documents Tampa Electric has offered to make available.

8. In response to FIPUG's comments regarding Tampa Electric's objections to Interrogatory Nos. 2, 3 and 4, the company adheres to its objection. Nevertheless, as was stated in its objections, Tampa Electric has offered to produce documents, as set forth in response to Interrogatory No. 1, subject to FIPUG's execution of a non-disclosure agreement acceptable to Tampa Electric. The company has made this offer in good faith and stands by it.

9. Tampa Electric, likewise, adheres to the objection it lodged with respect to Interrogatory No. 5(a). Despite its objections, Tampa Electric has offered to furnish FIPUG this information as well, subject to FIPUG's execution of a non-disclosure agreement acceptable to Tampa Electric. The information sought is confidential proprietary business information

pertaining to highly competitive market based pricing, FIPUG's sweeping conclusion to the contrary notwithstanding. Tampa Electric does not object to providing the information but only requests that FIPUG be required to execute a non-disclosure agreement before accessing the information. This is a good faith offer and FIPUG only needs to commit not to disclose this information publicly. It is Tampa Electric and its retail customers generally, and not FIPUG specifically, who would be harmed if this information is made public. FIPUG's demand for the information without regard to its proprietary nature is unreasonable.

10. With respect to Interrogatory No. 6, Tampa Electric's records do not differentiate between days when the company offered power in the short-term market and days when the company did not offer power for sale on the short-term market. Tampa Electric's records reflect the days when short-term market transactions were consummated. There is no purpose or benefit to retaining information regarding days on which the company offered power for sale as opposed to those days when transactions were actually taking place. Thus, as the company stated in response to Interrogatory No. 6, it does not maintain records from which to provide the information requested in this interrogatory. An offer to sell power in the short-term wholesale market is entirely different from actually selling power. Despite FIPUG's contrary assertions one cannot "back into" the number of days when power was not offered for sale on the short-term market simply by knowing the number of days on which sales were actually made.

11. Tampa Electric's objection to Interrogatory No. 7 was lodged for the same reason stated above with regard to subpart (a) of Interrogatory No. 5.

12. Tampa Electric adheres to its objection to Interrogatory No. 10 for the same reasons stated in opposition to Interrogatory No. 1. However, notwithstanding its objection, the company has made the same good faith offer to produce documents as set forth in response to

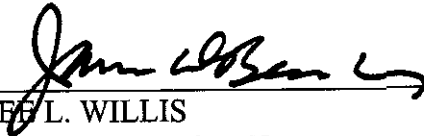
Interrogatory No. 1, subject to the execution of a non-disclosure agreement acceptable to Tampa Electric.

13. Tampa Electric adheres to its objection to Request for Production No. 1. As the company stated in its objection, it would take a monumental effort to gather the information needed to respond to the interrogatories to which Tampa Electric has objected and at the same time attempt to comply with the Request for Production No. 1 which calls for all documents, memoranda and other materials consulted or relied upon in response to Interrogatories Nos. 1-11. Part of the difficulty is the breadth of FIPUG's interrogatories. Tampa Electric stands by its repeated offers to afford FIPUG the opportunity to review documents from which to develop the answers to its own complex interrogatories, subject to the execution of an appropriate non-disclosure agreement. Tampa Electric has acted in good faith whereas FIPUG has been overly demanding. Tampa Electric is willing to work with FIPUG to accommodate its desire for information and only requests that FIPUG be required to perform its own analysis and execute appropriate non-disclosure agreements with respect to the information Tampa Electric supplies.

WHEREFORE, Tampa Electric requests that the Commission enter an order sustaining Tampa Electric's objections to FIPUG's discovery requests or, in the alternative, approving Tampa Electric's offer to allow FIPUG to review the relevant documents offered by Tampa Electric pursuant to appropriate non-disclosure agreements as set forth herein. Tampa Electric has lodged its objections in good faith for its own protection and that of its customers. FIPUG's request for attorney's fees is inappropriate and unsupported and should be denied.

DATED this 13th day of June 2000.

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 in Opposition to FIPUG's Motion to Compel, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 13th day of June 2000 to the following:

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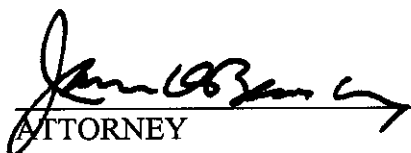
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