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**Subject:** Docket No. 080317-EI  
**Attachments:** FIPUG's Objections to TECO's 1st Request for ROGS (Nos. 1-7) 10-23-08.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

- a. The name, address, telephone number and email for the person responsible for the filing is:

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- b. This filing is made in Docket No 080317-EI, In re: Petition for Rate Increase by Tampa Electric Company.  
 c. The document is filed on behalf of Florida Industrial Power Users Group.  
 d. The total pages in the document is 7 page(s).  
 e. The attached document is The Florida Industrial Power Users Group's Objections to Tampa Electric Company's First Set of Interrogatories (Nos. 1-7).

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DOCUMENT NUMBER-DATE

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10/23/2008

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Rate Increase     )  
by Tampa Electric Company.         )  
\_\_\_\_\_)

DOCKET NO. 080317-EI

FILED: October 23, 2008

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S  
OBJECTIONS TO TAMPA ELECTRIC COMPANY'S  
FIRST SET OF INTERROGATORIES (NOS. 1-7)**

The Florida Industrial Power Users Group (FIPUG) submits the following Objections to Tampa Electric Company's (TECO) First Set of Interrogatories (Nos. 1-7).

**I. General Objections.**

FIPUG asserts the following general objections to TECO's First Set of Interrogatories (Nos. 1-7):

1. FIPUG objects to each and every individual discovery request, to the extent it calls for 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, whether such privilege or protection appears at the time response is first made or is later determined to be applicable for any reason. FIPUG in no way intends to waive any such privilege or protection.

2. FIPUG objects to each individual request to the extent it requires production of information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. FIPUG in no way intends to waive claims of confidentiality.

3. FIPUG objects to any definitions or instructions accompanying the discovery requests to the extent that they are inconsistent with and expand the scope of discovery

specified in the Florida Rules of Civil Procedure that are incorporated into the Model Rules of Procedure or the Commission's rules on discovery. If some question arises as to FIPUG's discovery obligations, FIPUG will comply with applicable rules and not with any of the definitions or instructions accompanying the discovery requests that are inconsistent with or exceed the requirements of those rules. Furthermore, FIPUG objects to any discovery request that calls for FIPUG to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

4. FIPUG objects to any definition or instruction in any discovery request that seeks interrogatory answers containing information from persons or entities who are not parties to this proceeding or that are not subject to discovery under applicable rules.

5. It is possible that not every relevant document may have been reviewed or considered in developing FIPUG's responses to the discovery requests. Rather, FIPUG will provide all the information that FIPUG obtained after a good faith, reasonable and diligent search conducted in connection with these discovery requests. To the extent that the discovery requests propose to require more, FIPUG objects to the requests individually and collectively on the grounds that compliance would impose an undue burden or expense on FIPUG.

6. FIPUG objects to each discovery request to the extent that it seeks information that is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

7. FIPUG objects to each and every discovery request to the extent it is vague, ambiguous, overly broad, burdensome, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests.

8. FIPUG expressly reserves and does not waive any objections it may have to

the admissibility, authenticity or relevancy of the information provided in its responses to the subject discovery requests.

## **II. Specific Objections — First Set of Interrogatories (Nos. 1-7)**

In addition to the general objections set forth above, which are hereby asserted and incorporated by reference as to each individual request, FIPUG asserts the following specific objections:

1. Identify each current member of FIPUG, including the following, with respect to each member.
  - a. Name of member
  - b. Business address
  - c. FIPUG's principal contact with the member
  - d. Nature of member's business activities
  - e. Location of member's business facilities

**Objection:** In addition to its general objections, FIPUG objects to this request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, it is overly broad as it seeks information regarding entities not participating in this case. Further, such information is confidential trade secret information. Without waiving these objections, FIPUG will provide the names of those FIPUG companies that normally participate in matters affecting the TECO service area pursuant to the Non-Disclosure Agreement executed between the parties. TECO is well aware of the address, nature of business activities, and business facilities of these customers.

2. Identify each FIPUG member participating in Docket No. 080317-EI that is funding a portion of FIPUG's cost of participation in this docket.

**Objection:** In addition to its general objections, FIPUG objects to this request on the grounds that it is attorney-client privileged. Further, the information sought is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

3. Identify the name and nature of the business activities of all of the parent companies and affiliated companies of each FIPUG member company participating in Docket No. 080317-EI.

**Objection:** In addition to its general objections, FIPUG objects to this request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, it is overly broad.

4. Has FIPUG retained any consultant or expert witness to consider or address any issue pending in this proceeding? If so, provide the following with respect to each such expert witness or consultant:

- a. Identify the name and address of the firm.
- b. The date when the firm was retained by FIPUG.
- c. The scope of the firm's work.
- d. The principal in charge of the work.
- e. The FIPUG person to whom the principal reports.
- f. A description of the expertise of the person as it relates to issues in this proceeding, including a description of the educational background and business experience of the person.
- g. A description of each proceeding or case in which the person has participated or testified.

**Objection:** FIPUG objects to this request as overbroad, burdensome and premature.

FIPUG is still in the process of identifying the issues and conducting discovery in this case as well as identifying appropriate consultants. Further, specifically as to (g), such request is overbroad and burdensome as to consultants who have a great deal of experience in a particular subject matter area. Without waiving these objections, FIPUG will provide information about its consultants as of the time of its discovery responses.

5. Does any FIPUG member compete with TECO Energy or any of its affiliates? If so, please identify each FIPUG member and the business of that member that competes with TECO Energy or any of its affiliates.

**Objection:** In addition to its general objections, FIPUG objects to this request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. Further, it is overbroad as it seeks information about entities not participating in this case. In addition, the question is vague and overbroad, as FIPUG is not privy to the business activities of TECO Energy and its unnamed affiliates.

6. Identify each FIPUG member who has bought or sold electricity at wholesale.

**Objection:** In addition to its general objections, FIPUG objects to this request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. Further, it is overbroad as it seeks information about entities not participating in this case. In addition, it is overbroad and has an unlimited time frame. Without waiving its objections, FIPUG will identify those FIPUG entities participating in this case who have sold electricity to TECO via TECO's as available tariff.

7. Has FIPUG received any payment or offer of payment from any entity or person not a FIPUG member toward the cost of FIPUG's participation in this docket? If so,

identify each such person.

**Objection:** In addition to its general objections, FIPUG objects to this request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing FIPUG Objections to TECO's First Set of Interrogatories (Nos. 1-7) has been furnished by electronic mail and U.S. Mail this 23<sup>rd</sup> day of October, 2008 to the following:

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