

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Allied Universal Corporation and)	DOCKET NO. 000061-EI
Chemical Formulators, Inc. against Tampa Electric)	FILED: February 14, 2000
Company)	
_____)	

**TAMPA ELECTRIC COMPANY’S RESPONSE, MOTION
FOR PROTECTIVE ORDER AND OBJECTIONS TO
ALLIED UNIVERSAL CORPORATION’S AND CHEMICAL
FORMULATORS, INC.’S FIRST SET OF INTERROGATORIES
TO TAMPA ELECTRIC COMPANY (NOS. 1-11)**

Tampa Electric Company (“Tampa Electric” or “the company”) submits the following Response, Motion for Protective Order and Objections to Allied Universal Corporation’s (“Allied”) and Chemical Formulators, Inc.’s (“CFI”) First Set of Interrogatories to Tampa Electric Company Nos. 1-11.

Preliminary Nature of These Objections

The objections stated herein are preliminary in nature and should additional grounds for objections be discovered as Tampa Electric attempts to produce documents in this proceeding, the company reserves the right to supplement or revise or modify its objections. Should Tampa Electric determine that a further protective order is necessary with respect to any of the information requested, Tampa Electric reserves the right to file a motion with the Commission.

DOCUMENT NUMBER-DATE
01937 FEB 14 8
 FPSC-RECORDS/REPORTING

GENERAL OBJECTIONS

Tampa Electric makes the following general objections to Allied/CFI's First Set of Interrogatories in this proceeding:

1. Tampa Electric objects to each request insofar as it seeks to impose obligations on Tampa Electric which exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

2. Tampa Electric objects to each and every discovery request to the extent such request calls for information which is exempt from discovery by virtue of the attorney/client privilege, work product privilege, or other applicable privilege.

3. Tampa Electric objects to each and every discovery request insofar as the request is vague, ambiguous, overly broad, imprecise or utilizes terms that are subject to multiple interpretations but are not properly defined or explained.

4. Tampa Electric objects to each and every discovery request insofar as the request is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this proceeding.

5. Tampa Electric objects to each discovery request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes, or which is proprietary confidential business information.

Motion for Protective Order

6. Tampa Electric's objections to Allied/CFI's discovery requests are submitted pursuant to the authority contained in Slatnick v. Leadership Housing Systems of Florida, Inc., 368 So. 2d 78 (Fla. 3rd DCA 1979). To the extent that a Motion for Protective Order is required, Tampa Electric's objections are to be construed as a request for a Protective Order.

Objections to Specific Requests

7. Subject to the foregoing general objections, Tampa Electric will timely answer Interrogatory No. 1.

8. Subject to the foregoing general objections, Tampa Electric will timely answer Interrogatory No. 2.¹

9. Subject to the foregoing general objections, Tampa Electric will timely answer Interrogatory No. 3.

10. Tampa Electric objects to Interrogatory No. 4 in that it calls for details regarding the Contract Service Agreement (“CSA”) between Tampa Electric and Odyssey Manufacturing Company (“Odyssey”) which is proprietary confidential business information by virtue of the provisions of Tampa Electric’s Commission approved CISR tariff. Tampa Electric also objects to this interrogatory on the same grounds as set forth in Tampa Electric’s objection to Allied/CFI’s Document Request No. 1 contained in its First Request for Production of Documents (Nos. 1-18), which grounds are incorporated herein by reference.

11. Tampa Electric objects to providing “rates or pay” referred to in Interrogatory No. 5, as it constitutes confidential information having no relevance to the matters alleged in the Complaint, and is not likely to lead to the discovery of admissible evidence. Subject to the foregoing general objections, Tampa Electric will answer the remaining portions of Interrogatory No. 5.

12. Subject to the foregoing general objections, Tampa Electric will answer Interrogatory No. 6.

¹ This interrogatory refers to Allied and Interrogatory No. 3 refers to CFI. Tampa Electric has not differentiated between Allied and CFI in its negotiations, but has treated them as one in the same, as will be reflected in answers to these interrogatories.

13. Subject to the foregoing general objections, Tampa Electric will answer Interrogatory No. 7.

14. Subject to the foregoing general objections, Tampa Electric will answer Interrogatory No. 8.

15. Subject to the foregoing general objections, Tampa Electric will answer Interrogatory No. 9.

16. Tampa Electric objects to Interrogatory No. 10 on the same grounds as stated in response to Allied/CFI's Interrogatory No. 4 and in response to Allied/CFI's Document Request No. 14, which grounds are incorporated herein by reference.

17. Tampa Electric objects to Interrogatory No. 11 in that it would enable Allied/CFI to calculate CSA information regarding its competitors and, thus, is confidential CSA related information. The size of Odyssey's plant could be derived from the requested information and that information is very competitive.

DATED this 14th day of February 2000.

Respectfully submitted,

HARRY W. LONG, JR
Chief Counsel
TECO Energy, Inc.
Post Office Box 111
Tampa, FL 33601
(813) 228-4111

and



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115
ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Protective Order and Objections to Allied/CFI's First Set of Interrogatories, filed on behalf of Tampa Electric Company, has been furnished by hand delivery(*) or U. S. Mail this 14th day of February 2000 to the following:

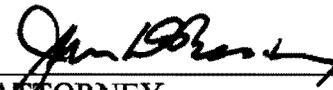
Mr. Robert V. Elias*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Allied Universal Corporation
8350 N.W. 93rd Street
Miami, FL 32166-2026

Chemical Formulators, Inc
5215 West Tyson Avenue
Tampa, FL 33611-3223

Ms. Marlene K. Stern*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Kenneth Hoffman
Mr. John Ellis
Rutledge Law Firm
Post Office Box 551
Tallahassee, FL 32302



ATTORNEY

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