

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Cargill Fertilizer, Inc.)	Docket No. 020898-EQ
to engage in self-service wheeling of waste)	Filed: October 24, 2002
heat cogenerated power to, from and)	
between points within Tampa Electric)	
Company's service territory.)	
<hr/>		

**TAMPA ELECTRIC COMPANY'S OBJECTIONS IN RESPONSE TO THE
FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS TO TAMPA
ELECTRIC (NOS. 1-6) OF CARGILL FERTILIZER, INC.**

Pursuant to Rule 1.351, Florida Rules of Civil Procedure and Rule 28-106.206, Florida Administrative Code, Tampa Electric Company ("Tampa Electric" or "Company"), by and through its undersigned counsel, hereby files its objections to the First Request for Production of Documents (Nos. 1-6) served by Cargill Fertilizer, Inc. ("Cargill") on Tampa Electric and says:

General Objections

1. Tampa Electric objects to each and every document request to the extent that such request calls for information that is exempt from discovery by virtue of the attorney/client privilege, work product privilege, or other applicable privilege or protection provided by law, whether such privilege or protection appears at the time response is first made to these requests for documents or is later determined to be applicable based on the discovery of documents, investigation, or analysis.
2. Tampa Electric objects to each and every document request insofar as the request is vague, ambiguous, overly broad, and imprecise or uses terms that are subject to multiple interpretations but are not properly defined or explained.

DOCUMENT NUMBER DATE

11671 OCT 24 02

FPSC-COMMISSION CLERK

3. Tampa Electric objects to each document request to the extent that the information sought is already in the public record before this Commission or elsewhere, and is available to Cargill through normal procedures.
4. Tampa Electric objects to any document request that calls for confidential proprietary business information and/or the compilation of information that is considered confidential proprietary business information, including “trade secrets” which are privileged pursuant to Section 90.506, Florida Statutes.
5. Tampa Electric objects to any document request that calls for the creation of information as opposed to the reporting of presently existing information or that purport to expand Tampa Electric’s obligations under the Florida Rules of Civil Procedure or Florida Law.

Specific Objections

1. Tampa Electric objects to Document Request No 1, to the extent that such request would require the disclosure of hourly marginal fuel cost data, on the ground that the requested hourly marginal fuel cost information is proprietary, commercially sensitive information that Cargill, as a competitor of Tampa Electric in the wholesale power market, could use to the detriment of Tampa Electric’s ratepayers.
2. Tampa Electric objects to Document Request No. 3 on the ground that the Company has not performed the requested analysis and has no obligation to do so since it is not the moving party in this proceeding.

WHEREFORE, Tampa Electric submits the foregoing objections to the First Request for Production of Documents (Nos. 1-6) served by Cargill in this proceeding.

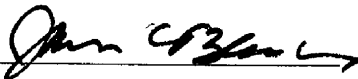
DATED this 24th day of October 2002.

Respectfully submitted,

HARRY W. LONG, JR.
Assistant General Counsel
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601
(813) 228-1702

And

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

By: 

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Objections, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 24th day of October 2002 to the following:

Rosanne Gervasi*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Michael Haff*
Division of Economic Regulation
Florida Public Service Commission
Room 200G
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Ms. Vicki Gordon Kaufman*
Mr. Joseph A. McGlothlin
Mr. Timothy J. Perry
McWhirter, Reeves, McGlothlin,
Davidson, Decker, Kaufman & Arnold
117 South Gadsden Street
Tallahassee, FL 32301

Mr. John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin,
Davidson, Decker, Kaufman & Arnold
400 North Tampa Street, Suite 2450
Tampa, FL 33601-3350


ATTORNEY