



# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

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**DATE:** July 28, 1998  
**TO:** Blanca S. Bayó, Director, Division of Records & Reporting  
**FROM:** Grace A. Jaye, Attorney, Division of Legal Services  
**RE:** Docket No. 980693-EI - Petition by Tampa Electric Company for Approval of Cost Recovery for a New Environmental Program, the Big Bend Units 1 & 2 Flue Gas Desulfurization System

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Attached is a letter dated July 27, 1998, that I received from James Beasley, Esquire, of Ausley & McMullen. Please incorporate this letter into the record of this docket by entering it in the docket file. Please note also that this letter withdraws Tampa Electric Company's July 10, 1998, Motion for Protective Order and Objections to Staff's First Request for Production of Documents (Nos. 1-35). Thank you.

GAJ/js  
 Attachment

- ACK \_\_\_\_\_
- AFB \_\_\_\_\_
- AFR \_\_\_\_\_
- CAF \_\_\_\_\_
- CMR \_\_\_\_\_
- CTR \_\_\_\_\_
- EAL \_\_\_\_\_
- LEW \_\_\_\_\_
- LFM \_\_\_\_\_
- Q. \_\_\_\_\_
- ROJ \_\_\_\_\_
- SE 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- CTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

08025 JUL 29 98

FPSC-RECORDS/REPORTING

# AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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(850) 224-9115 FAX (850) 222-7560

July 27, 1998

**HAND DELIVERED**

Ms. Grace Jaye  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
Room 390L - Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Petition of Tampa Electric Company for Approval of  
Cost Recovery for a new Environmental Program, the  
Big Bend Units 1 and 2 Flue Gas Desulfurization System;  
FPSC Docket No. 980693-EI

Dear Grace:

Enclosed is the only document that Tampa Electric has which arguably falls within the scope of Staff's Request for Production of Documents No. 33, as amended in Staff's filing of July 22, 1998. The company has been able to locate no documents falling within the descriptions of Staff's First Request for Production of Documents Nos. 30, 31, 32 or 35, as amended in Staff's July 22 filing.

The enclosed document is Tampa Electric's answer to Staff's Interrogatory No. 8, filed July 15, 1996 in Docket No. 960688-EI (In re: Petition for Approval of Certain Compliance Activities for Purposes of Cost Recovery of Tampa Electric Company).

With this production, Tampa Electric has complied with all of Staff's First Set of Interrogatories and First Request for Production of Documents. Only a very limited number of documents will be filed under a Notice of Intent to Request Confidential Classification. You had inquired, for purposes of updating your list of objections, motions and the like, what if anything remains to be done in connection with Tampa Electric's July 10, 1998 objections and motion for protective order in response to Staff's First Request for Production of Documents. I believe that Tampa Electric's compliance with all of Staff's discovery requests renders moot the company's July 10 objections and motion for protective order relative to Staff's discovery requests. Therefore, we withdraw the objections and motion for protective order as being no longer necessary.

Ms. Grace Jaye  
July 27, 1998  
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We have also supplied all documents requested by FIPUG with the exception of a few pages subject to requests for confidential treatment. We have provided FIPUG a draft confidentiality agreement and are awaiting their response. Other than as relates to the need for confidential protection of the few documents in question, you may consider our objections and motion for protective order relative to FIPUG's requests withdrawn as well.

Please let me know if you have any other questions relative to discovery.

Sincerely,



James D. Beasley

JDB/pp  
Enclosure

cc: All Parties of Record