

AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

July 30, 2009

HAND DELIVERED

RECEIVED-FPSC
09 JUL 30 PM 2:39
COMMISSION
CLERK

Ms. Ann Cole, Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Commission review of numeric conservation goals (Tampa Electric Company);
FPSC Docket No. 080409-EG

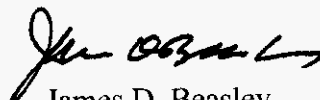
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Objections to the Staff of the Florida Public Service Commission's Tenth Set of Interrogatories (Nos. 88-93).

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
Enclosure

COM _____ ec: All parties of record (w/enc.)
ECR 2
GCL 2
OPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK _____

DOCUMENT NUMBER-DATE

07804 JUL 30 09

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Florida Power & Light Company).

DOCKET NO. 080407-EG

In re: Commission review of numeric conservation goals (Progress Energy Florida, Inc.).

DOCKET NO. 080408-EG

In re: Commission review of numeric conservation goals (Tampa Electric Company).

DOCKET NO. 080409-EG

In re: Commission review of numeric conservation goals (Gulf Power Company).

DOCKET NO. 080410-EG

In re: Commission review of numeric conservation goals (Florida Public Utilities Company).

DOCKET NO. 080411-EG

In re: Commission review of numeric conservation goals (Orlando Utilities Commission).

DOCKET NO. 080412-EG

In re: Commission review of numeric conservation goals (JEA).

DOCKET NO. 080413-EG

FILED: July 30, 2009

**TAMPA ELECTRIC COMPANY'S OBJECTIONS TO
THE STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION'S
TENTH SET OF INTERROGATORIES (NOS. 88-93)**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 1.340, Florida Rules of Civil Procedure, and Rule 28-106.206, Florida Administrative Code, submits the following objections to the Staff of the Florida Public Service Commission's ("Staff's") Tenth Set of Interrogatories (Nos. 88-93).

DOCUMENT NUMBER-DATE

07804 JUL 30 8

FPSC-COMMISSION CLERK

I. Preliminary Nature of Objections

Tampa Electric's objections stated herein are preliminary in nature. Tampa Electric is furnishing its objections consistent with the time frame set forth in the Commission's Order Consolidating Dockets and Establishing Procedure, Order No. PSC 08-0816-PCO-EG dated December 18, 2008 (as revised) and Rule 1.190(e), Florida Rules of Civil Procedure. Should additional grounds for objection be discovered as Tampa Electric develops its responses, Tampa Electric reserves the right to supplement or modify its objections up to the time it serves its responses. Should Tampa Electric determine that a protective order is necessary regarding any of the information requested of Tampa Electric, Tampa Electric reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

II. General Objections

Tampa Electric objects to each and every request for documents that 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. Tampa Electric in no way intends to waive such privilege or protection. The nature of the document(s), if any, will be described in a privilege log prepared by Tampa Electric.

In certain circumstances, Tampa Electric may determine, upon investigation and analysis, that information responsive to certain discovery requests to which objections are not otherwise asserted are confidential and proprietary and should not be produced without provisions in place to protect the confidentiality of the information, if at all. By agreeing to provide such information in response to such request, Tampa Electric is not waiving its right to insist upon

appropriate protection of confidentiality by means of a protective order or other action to protect the confidential information requested. Tampa Electric asserts its right to require such protection of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

Tampa Electric is a large corporation with employees located in many different locations. In the course of its business, Tampa Electric creates numerous documents that are not subject to Florida Public Service Commission or other governmental record retention requirements. These documents are kept in numerous locations and frequently are moved from site to site as employees change jobs or as business is reorganized. Therefore, it is possible that not every relevant document may have been consulted in developing Tampa Electric's responses. Rather, these responses provide all the information that Tampa Electric obtained after a reasonable and diligent search conducted in connection with these discovery requests. To the extent that the discovery requests propose to require more, Tampa Electric objects on the grounds that compliance would impose an undue burden or expense on it.

Tampa Electric objects to each request to the extent that it seeks information that is not relevant to the subject matter of these dockets and is not reasonably calculated to lead to the discovery of admissible evidence.

Tampa Electric objects to each request to the extent it is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. Any responses provided by Tampa Electric will be provided subject to, and without waiver of, the foregoing objection.

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 and 366.093(3)(a), Florida Statutes.

Tampa Electric also objects to these discovery requests to the extent they call for Tampa Electric to prepare information in a particular format or perform calculations or analyses not previously prepared or performed as purporting to expand Tampa Electric's obligations under applicable law. Tampa Electric will comply with its obligations under the applicable rules of procedure.

Tampa Electric objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available through normal procedures.

Tampa Electric objects to each discovery request and any definitions and instructions that purpose to expand Tampa Electric's obligations under applicable law.

In addition, Tampa Electric reserves its right to count discovery requests and their sub-parts as permitted under the applicable rules of procedure and Order No. PSC-08-0816-PCO-EG, in determining whether it is obligated to respond to additional requests served by any party.

Notwithstanding any of the foregoing general objections and without waiving these objections, Tampa Electric intends in good faith to respond to Staff's discovery requests.

III. Specific Objections

Interrogatory 92: Please supply the impact on rates for a 1200 kWh residential monthly bill for all measures with a TRC test value of 1.01 or above and a RIM test value of .99 or above.

Tampa Electric objects to this request to the extent it calls for the performance of analyses not previously performed and the creation of information not presently existing, as purporting to expand Tampa Electric's obligations under law and as unduly burdensome. Such analyses would be very time-consuming and would detract from Tampa Electric' ability to properly prepare for the hearing scheduled to convene in this docket on August 10. Notwithstanding this objection, Tampa Electric will endeavor to be as responsive as possible to this interrogatory.

Interrogatory 93. Please supply the impact on rates for a 1200 kWh residential monthly bill for all measures with a TRC test value of 1.01 or above and a RIM test value of .90 or above.

Tampa Electric objects to this request to the extent it calls for the performance of analyses not previously performed and the creation of information not presently existing, as purporting to expand Tampa Electric's obligations under law and as unduly burdensome. Such analyses would be very time-consuming and would detract from Tampa Electric' ability to properly prepare for the hearing scheduled to convene in this docket on August 10. Notwithstanding this objection, Tampa Electric will endeavor to be as responsive as possible to this interrogatory.

DATED this 30th day of July 2009.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 392
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Objections to the Staff's Tenth Set of Interrogatories (Nos. 88-93), filed on behalf of Tampa Electric Company, has been furnished by hand delivery (*) or U. S. Mail on this 30th day of July 2009 to the following:

Mr. Erik L. Sayler*
Ms. Katherine E. Fleming
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Ms. Susan F. Clark
Radey, Thomas, Yon & Clark, P.A.
301 South Bronough Street, Suite 200
Tallahassee, FL 32301

Mr. John T. Burnett
Mr. R. Alexander Glenn
Progress Energy Service Company, LLC
P. O. Box 14042
St. Petersburg, FL 33733-4042

Mr. Paul Lewis, Jr.
Progress Energy Florida, Inc.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

Mr. E. Leon Jacobs, Jr.
Williams & Jacobs, LLC
1720 S. Gadsden Street, MS14
Suite 201
Tallahassee, FL 32301

Mr. Jeremy Susac
Executive Director
Florida Energy and Climate Commission
c/o Governor's Energy Office
600 South Calhoun Street, Suite 251
Tallahassee, FL 32399-0001

Mr. George S. Cavros
George S. Cavros, P.A.
120 E. Oakland Park Blvd., Suite 105
Ft. Lauderdale, FL 33334

Mr. John T. English
Florida Public Utilities Company
P. O. Box 3395
West Palm Beach, FL 33402-3395

Mr. Gary V. Perko
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314

Ms. Teala A. Milton
V.P., Governmental Relations
Jacksonville Electric Authority
21 West Church Street, Tower 16
Jacksonville, FL 32202-3158

Mr. Jeff Curry
Lakeland Electric
501 East Lemon Street
Lakeland, FL 33801

Mr. Steven R. Griffin
Beggs & Lane Law Firm
Post Office Box 12950
Pensacola, FL 32591-2950

Mr. Norman H. Horton, Jr.
Messer Caparello & Self
Post Office Box 15579
Tallahassee, FL 32317

Suzanne Brownless, Esq.
Suzanne Brownless, P.A.
1975 Buford Boulevard
Tallahassee, FL 32308

Ms. Susan D. Ritenour
Secretary and Treasurer
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

Mr. Roy C. Young
Ms. Tasha O. Buford
Young Law Firm
225 South Adams Street, Suite 200
Tallahassee, FL 32301

Mr. Chris Browder
Orlando Utilities Commission
P.O. Box 3193
Orlando, FL 32802-3193

Mr. J. R. Kelley
Mr. Charlie Beck
Office of Public Counsel
111 West Madison Street, Rom 812
Tallahassee, FL 32399-1400

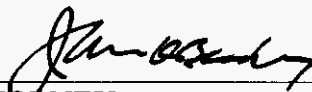
Ms. Jessica A. Cano
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408

Mr. Jack Leon
Mr. Wade Litchfield
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Mr. Charles A. Guyton
Squire, Sanders & Dempsey, LLP
215 South Monroe Street, Suite 601
Tallahassee, FL 32301

Mr. John W. McWhirter, Jr.
McWhirter, Reeves & Davidson, P.A.
Post Office Box 3350
Tampa, FL 33601-3350

Ms. Vicki Kaufman
Mr. Jon C Moyle
Keefe Anchors Gordon & Moyle, PA
118 N. Gadsden Street
Tallahassee, FL 32301



ATTORNEY