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May 19, 1997

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Determination of appropriate cost allocation and regulatory treatment of total revenues associated with wholesale sales to Florida Municipal Power Agency and City of Lakeland by Tampa Electric Company;
FPSC Docket No. 970171-EU

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Objection to Discovery and Motion for Protective Order.

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
Enclosures

cc: All Parties of Record (w/encls.)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of appropriate cost allocation and regulatory treatment of total revenues associated with wholesale sales to Florida Municipal Power Agency and City of Lakeland by Tampa Electric Company.	DOCKET NO. 970171-EU FILED: May 19, 1997

TAMPA ELECTRIC COMPANY'S OBJECTION TO DISCOVERY AND MOTION FOR PROTECTIVE ORDER

Tampa Electric Company ("Tampa Electric" or "the company") objects as follows to a limited portion of one of the requests for production of documents submitted to Tampa Electric on behalf of Florida Industrial Power Users Group ("FIPUG"), and to FIPUG's Interrogatories Nos. 3 and 4, and moves the Commission for a protective order that certain confidential commercial information not be disclosed to FIPUG, and as grounds therefor, says:

Objection

1. Tampa Electric objects to a limited portion of FIPUG's First Request for Production of Documents (Request No. 3) asking for a copy of Tampa Electric's response to the Staff's First Request for Production of Documents, Item No. 2. The referenced Item No. 2 in Staff's First Request seeks the following information:

> 2. Please provide work papers in hard copy and on diskette in Quatropro Lotus Equivalent format showing detailed year by year calculations used to derive the present value of the listed costs and revenues as shown on, Exhibit KAB-1, Documents 4,5,6 & 7.

2. Some of the requested documents contain confidential proprietary business information which is entitled to exemption from public disclosure under Section 366.093, Florida Statutes, and are being submitted to Staff under a Notice of Intent to Seek Confidential Classification. The information in question would disclose details regarding Tampa Electric's projected incremental costs.

3. One of FIPUG's own members is in the midst of a request for proposal process in an effort to secure electricity at a price lower than it is currently paying Tampa Electric under Commission approved rate schedules. Supplying the requested incremental cost information to FIPUG could impact negotiations with this customer to the detriment of Tampa Electric and its general body of ratepayers who would be left to cover the industrial customer's current contribution to fixed costs.

4. FIPUG's own witness in this proceeding, Mr. Jeffry Pollock, is presently engaged as a consultant to the industrial customer in question to assist in the RFP process and the customer's efforts to evaluate alternatives to taking electric service from Tampa Electric. These efforts are active and ongoing and disclosure of the cost information here sought to be protected would be patently harmful to Tampa Electric's interests.

5. Disclosure of this type of cost information to FIPUG could bring pressures on Tampa Electric from its other industrial customers as well. This simply would not be good from the standpoint of the company's general body of ratepayers. The risk

of harm to Tampa Electric's general body of ratepayers from supplying this information to FIPUG greatly outweighs any interest FIPUG may have in reviewing such information.

6. Tampa Electric also objects to FIPIG's Interrogatory Nos. 3 and 4. The responses to these two interrogatories would be identical to the response to FIPUG's First Request for Production of Documents (Request No. 3) and, accordingly, is subject to the same objection as stated above with regard to FIPUG's Document Request No. 3. Even if Tampa Electric were to limit its responses to Interrogatories Nos. 3 and 4 to <u>total</u> cost, a person could combine that information with the redacted (public) version of documents submitted in response to Staff's Request for Production of Documents, Request No. 2, and derive the confidential information the company seeks to protect.

7. Tampa Electric is answering all other interrogatories and supplying the documents requests posed by FIPUG. The confidential cost data the company needs to avoid disclosing to FIPUG is contained in schedules which include other data which does not need confidential protection. Tampa Electric has redacted only the confidential incremental fuel cost data and is providing FIPUG with the remaining information contained in such schedules.

MOTION FOR PROTECTIVE ORDER

8. Fla. R. Civ. P. Rule 1.280 provides that a party from whom discovery is sought may move for a protective order. Subsection (c)(7) of this rule states that the party may request

that a trade secret or other confidential research, development or commercial information not be disclosed. For the reasons stated above in Tampa Electric's objection, the company should not be required to supply FIPUG with the incremental cost information in question and, to the extent the Commission considers it necessary, this will serve as the company's motion for a protective order to that effect.

WHEREFORE, Tampa Electric submits the foregoing Objection and Motion for a Protective Order relative to the above described limited portion of FIPUG's First Request for Production of Documents, Request No. 3, and to FIPUG's Interrogatories Nos. 3 and 4.

DATED this 19th day of May, 1997.

Respectfully submitted,

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HARRY W. LONG, JR.
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Post Office Box 111
Tampa, Florida 33601-0111

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Objection to Discovery and Motion for Protective Order, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand deliver (*) on this 19th day of May, 1997 to the following:

Ms. Leslie Paugh*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
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Tallahassee, FL 32399-0850

Mr. Gary Lawrence
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ATTORNEY