

JAMES E. "JIM" KING, JR.  
President



Harold McLean  
Public Counsel

STATE OF FLORIDA  
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE  
111 WEST MADISON ST.  
ROOM 812  
TALLAHASSEE, FLORIDA 32399-1400  
850-488-9330

January 9, 2004

JOHNNIE BYRD  
Speaker



Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

RE: Docket No. 031033-EI

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of Office of Public Counsel's Third Request for Production of Documents.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Vandiver".

Robert Vandiver  
Associate Public Counsel

RV/pwd  
Enclosures

DOCUMENT NUMBER DATE

00409 JAN-9 3

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of Tampa Electric Company's  
2004-2008 waterbound transportation  
contract with Teco transport and trade

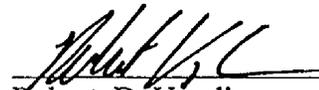
Docket No. 031033-EI  
Filed: January 9, 2003

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**NOTICE OF SERVICE**

The Citizens of Florida ("Citizens"), by and through the undersigned attorney, serve this notice that the Citizens have served their Third Request for Production of Documents (Nos. 12 - 29) to Tampa Electric Company.

Respectfully submitted,

  
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Robert D. Vandiver  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of Tampa Electric Company's  
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**CITIZENS' THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO TAMPA ELECTRIC COMPANY (NOS. 12- 29 )**

Pursuant to § 350.0611(1), Fla. Stat. (2002), Fla. Admin. Code R. 28-106.206, and Fla. R. Civ. P.1.350, Florida's Citizens ("Citizens"), by and through Jack Shreve, Public Counsel, request Tampa Electric Company ("TECO") to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on or before Monday, April 7, 2003, or at such other time and place as may be mutually agreed upon by counsel.

**DEFINITIONS**

1. The terms "document" or "documents" are meant to have the broadest possible meaning under applicable law and includes, but is not necessarily limited to, any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals,

appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

2. The term "referring or relating to" means any oral, graphic, demonstrative, telephonic, verbal, electronic (including e-mail), written or other conveyance of information, including but not limited to conversations, telecommunications, and documents.

3. As used herein the terms "you," "your," and "company" refer to Tampa Electric Company, together with the officers, employees, consultants, agents, representatives, and attorneys of Tampa Electric Company, as well as any other person or entity acting on behalf of Tampa Electric Company.

4. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.

### **INSTRUCTIONS**

1. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

2. These discovery requests are to be answered with reference to all information in your possession, custody or control, or reasonably available to you.

3. If Tampa Electric Company has possession, custody, or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies which are different in any way from the original, whether by

interlineation, receipt stamp or notation. If Tampa Electric Company does not have possession, custody, or control of the originals of the documents requested, please produce any copies in the possession, custody, or control, however made, of Tampa Electric Company.

4. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.

### DOCUMENTS REQUESTED

#### CITIZENS THIRD REQUEST FOR PRODUCTION OF DOCUMENTS

12. Provide all reports, correspondence, notes, memoranda, e-mails, presentations, evaluations, assessments and/or other documents in the possession of TECO Transport that relate to the negotiations, acceptance, signing of and the administration of the current contract for waterborne transport services provided to Tampa Electric by TECO Transport, its affiliates and its subsidiaries.

13. Provide copies of all billing in the possession of TECO Transport from TECO Transport, its affiliates and/or its subsidiaries to Tampa Electric for waterborne transportation services on a monthly basis since December 1, 2001, through January 1, 2003.

14. Provide copies of all reports, correspondence, notes, memoranda, e-mails, presentations, evaluations, assessments and/or other documents in the possession of TECO Transport that relate to the revenues, cost and/or profitability of the waterborne transport services rates charged to TECO Transport that were originated since December 31, 2001 to the present date.

15. Provide copies of all reports, correspondence, notes, memoranda, e-mails, presentations, evaluations, assessments and/or other documents in the possession of TECO Transport that concern the costs of waterborne transport rate elements provided for Tampa Electric as opposed to the rates TECO Transport charges third parties for similar waterborne transport services that were originated since December 31, 2001, to the present date.

16. Provide copies of all reports, correspondence, notes, memoranda, e-mails, presentations, evaluations, assessments and/or other documents in the possession of

TECO Transport that characterize or evaluate the costs, revenues and profitability of TECO Transport's waterborne transport services in general that have been originated since December 31, 2001, to the present date.

17. Provide copies of all TECO Transport monthly budget analysis reports in the possession of TECO Transport for waterborne transport services, including budget variances originated by the company since December 31, 2001, to the present date.

18. Provide copies of all reports, correspondence, notes, memoranda, e-mails, presentations, evaluations, assessments and/or other documents in the possession of TECO Transport that relate to the competitive rates that apply for similar waterborne transport service elements that are included in the Tampa Electric waterborne transport contract originated since December 31, 2001, including upriver, terminal and cross-gulf.

19. Provide copies of all depreciation schedules prepared by the company for use in providing waterborne transport services in the possession of TECO Transport relating to the Tampa Electric contracts originated by the company since January 1, 2001, to the present date. If such data is unavailable, provide copies of depreciation schedules relating to TECO Transport's total barge and terminal depreciation expense.

20. Provide copies of all documents in the possession of TECO Transport that show the tonnage and/or rates for Petcoke coal shipped direct from Texas to Tampa in 2001 and 2002, listed separately.

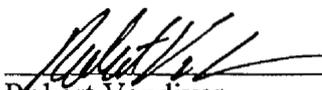
21. Provide copies of all documents in the possession of TECO Transport that concern the cost of handling foreign coal at the terminal, the appropriate rate for such transactions, and/or the difference between the cost of handling foreign coal at the terminal as opposed to the cost of handling river barge coal at the terminal under the Tampa Electric contract originated since January 1, 2002 .

22. Provide copies of all maps or other documents in the possession of TECO Transport that show the physical location of mines up river to the physical location of docks and terminals upriver that provide coal under the Tampa Electric contract originated since January 1, 2002 .

23. Provide copies of all documents in the possession of TECO Transport that show the cost and/or rates for truck or rail transport to the upriver barges that are passed on to Tampa Electric under the waterborne transport contract originated since January 1, 2002 .

24. Provide copies of all documents in the possession of TECO Transport that show the cost and/or rates for upriver terminal services, by location, that are passed on to Tampa Electric under the waterborne transport contract originated since January 1, 2002 .

25. Provide copies of all documents in the possession of TECO Transport that show the cost and/or rates for transport of coal to the Polk plant, including the tonnages shipped and the rates charged for year 2001, 2002 and 2003.
26. Provide copies of all documents in the possession of TECO Transport that show tonnages and/or rates and/or total revenues, by each rate element charged and/or combined rate elements under the Tampa Electric contract that are projected for 2004.
27. Provide copies of all documents in the possession of TECO Transport that show the revenues and expenses that TECO Transport projects for 2004 under the existing contract with Tampa Electric.
28. Provide copies of all documents shown in the possession of TECO Transport revenues and expenses that TECO Transport projects for 2004, in total.
29. Provide copies of all documents in the possession of TECO Transport that TECO Transport has received from or sent to Tampa Electric's parent corporation relating to the revenues, costs, terms or conditions of the existing contract with Tampa Electric, including all projections of revenues and costs that relate to that contract originated since January 1, 2002.

  
\_\_\_\_\_  
Robert Vandiver  
Associate Public Counsel

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and exact copy of the above and foregoing has been furnished by U.S. Mail or \*hand-delivery this \_\_\_\_ day of January, 2004:

James Beasley\*  
Lee Willis  
Ausley Law Firm  
Post Office Box 391  
Tallahassee, FL 32302

Gil Feltel  
CSX Transportation  
500 Water Street, J150  
Jacksonville, FL 32302

Robert Scheffel Wright  
John LaVia, III  
Landers Law Firm  
Post Office Box 271  
Tallahassee, FL 32302

Angela Llewellyn  
Tampa Electric Company  
Post Office Box 111  
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Cochran Keating\*  
Florida Public Service Commission  
Division of Legal Services  
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Tallahassee, FL 32399-0850

Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin  
117 South Calhoun Street  
Tallahassee, Florida 32301

  
\_\_\_\_\_  
Robert D. Vandiver  
Associate Public Counsel