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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Conservation Cost Recovery Clause ) )

DOCKET NO. 950002-EG FILED: JANUARY 25, 1995

MOTION OF PEOPLES GAS SYSTEM, INC. FOR LEAVE TO FILE SUPPLEMENTAL TESTIMONY

Peoples Gas System, Inc. ("Peoples," "the Company"), pursuant to Rule 25-22.037, Florida Administrative Code, hereby moves the Commission to grant its permission for Peoples to file supplemental testimony in the above-captioned proceeding. Specifically, Peoples requests that it be allowed one week to prepare and file supplemental testimony, if necessary, to respond to Tampa Electric Company's revised responses to the Staff's First Set of Interrogatories to TECO, which are anticipated to be filed on Friday, January 27, 1995. In support of this motion, Peoples states as follows.

1. Peoples is a regulated gas utility and a party to this docket.

2. In a separate proceeding, FPSC Docket No. 941165-PU, In Re: Emergency Complaint of Peoples Gas System Against Tampa Electric Company for Providing Unauthorized Incentives for Electric Water Heating Appliances, Tampa Electric has accused Peoples of engaging in false and misleading advertising. By its Order No. FPSC-95-0018-FOF-PU, the Commission severed issues related to such alleged false and misleading advertising, other than such alleged activities with respect to the Meadow Pointe subdivision, to this Energy Conservation Cost Recovery docket, i.e., Docket No. 950002-EG. TECO has propounded interrogatories and requests for production of documents to Peoples herein, and Peoples anticipates

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that TECO will file testimony herein in which it further accuses Peoples of false and misleading advertising.

3. Peoples believes that TECO has at least engaged in misleading, and perhaps false, advertising and promotion of electricity use. On this date, January 25, 1995, Peoples is filing testimony outlining some of its concerns regarding TECO's advertising and promotional materials. Mindful of the Staff's then-pending First Set of Interrogatories, which requested TECO and the other utilities to provide supporting calculations for comparisons of gas and electric cost and use made in advertising materials, Peoples did not propound what would have been duplicative interrogatories asking for the same information. TECO filed its initial responses to Staff's First Set by mail on January 20, 1995; Peoples' counsel received these initial responses by mail on Monday, January 23, 1995.


4. As explained briefly in Peoples' testimony filed herein on this date (January 25, 1995), Peoples believes that the initial responses furnished by TECO are inadequate to form the basis for a thorough evaluation of the calculations underlying the comparisons of gas and electricity costs presented in TECO's advertising. Peoples has been advised that TECO is in the process of revising, or preparing an addendum to, its initial responses in which it will provide further detail of the calculations supporting the subject comparisons.

5. In its testimony filed today, January 25, 1995, Peoples has endeavored to state its basic objections and concerns regarding TECO's advertising. Peoples respectfully submits that it should have an additional opportunity to review and provide testimonial

comment on the underlying data and calculations, which Peoples, as a party of record, expects to receive on or about January 27, 1995. Peoples suggests that seven calendar days would be an adequate and reasonable time for Peoples to review and respond to TECO's supplemental or revised materials. Peoples will agree to TECO having the corresponding extension of time to file rebuttal testimony to Peoples' supplemental testimony, if necessary.

**WHEREFORE**, based on the foregoing, Peoples Gas System respectfully requests that the Commission, through the Prehearing Officer in charge of this docket, issue an order granting Peoples the opportunity to file supplemental testimony in this proceeding, which will address TECO's supplemental or revised materials submitted in response to the Staff's interrogatories and its interrogatory responses thus revised, by the close of business of the seventh day following Peoples' receipt of TECO's supplemental or revised interrogatory responses.

Respectfully submitted this 25th day of January, 1995.

  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (\*) or by United States Mail, postage prepaid, on the following individuals this 25th day of January, 1995:

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