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March 11, 2002

HAND DELIVERED

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COMMISSION
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Ms. Blanca S. Bayo, Director
Division of Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Petition of Lee County, Miami-Dade County and Montenay-Dade, Ltd., to Initiate Rulemaking to Amend Rule 25-17.0832, F.A.C., Regarding Firm Capacity and Energy Payments to Qualifying Facilities; FPSC Docket No. 020166-EQ

Proposed Amendments to Rule 25-17.0832, F.A.C., Firm Capacity and Energy Contracts; FPSC Docket No. 001574-EQ

Dear Ms. Bayo:

Enclosed for filing in the above dockets are the original and fifteen (15) copies of Tampa Electric Company's Response in Opposition to Motion to Consolidate Rulemaking Proceedings.

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

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JDB/pp
Enclosures

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

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FPSC-BUREAU OF RECORDS 2808 MAR 11 8
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Lee County, Miami-Dade)
County and Montenay-Dade, Ltd., to Initiate) DOCKET NO. 020166-EQ
Rulemaking to Amend Rule 25-17.0832, F.A.C.,)
Regarding Firm Capacity and Energy Payments)
to Qualifying Facilities.)
_____)

In re: Proposed Amendments to)
Rule 25-17.0832, F.A.C., Firm) DOCKET NO. 001574-EQ
Capacity and Energy Contracts.) FILED: March 11, 2002
_____)

**TAMPA ELECTRIC COMPANY'S RESPONSE IN OPPOSITION
TO MOTION TO CONSOLIDATE RULEMAKING PROCEEDINGS**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 28-106.204, Florida Administrative Code, moves the Commission to deny the Motion to Consolidate Rulemaking Proceedings filed on behalf of Lee County, Miami-Dade County, and Montenay-Dade, Ltd., collectively referred to herein as the "Petitioners" and, as grounds therefor, says:

1. The Petition to Initiate Rulemaking, filed by Petitioners in Docket No. 020166-EQ on February 27, 2002, proposes certain amendments to Rule 25-17.0832, Florida Administrative Code, which are, by Petitioners' own admission, unnecessary. Tampa Electric is filing a response to the Petition to Initiate Rulemaking which points out that Petitioners have indicated in Docket No. 001574-EQ that Rule 25-17.0832, Florida Administrative Code, does not require the types of amendments proposed in the Petition in order to comply with all applicable federal and state statutes concerning payments to qualifying facilities. Petitioners have stated in Docket No. 001574-EQ that they would be happy with the existing rule. Their

principal concern in that proceeding is the proposed change from a ten year minimum standard offer contract term to a five year minimum term.

2. Given Petitioners' admission that their recently proposed rule amendments are unnecessary, it would be a waste of the Commission's time to initiate rulemaking to consider those amendments. Petitioners' real goal is to oppose the proposed amendment to the minimum contract term – something that will be addressed and resolved in Docket No. 001574-EQ without the need for a new docket to consider admittedly unnecessary further amendments.

3. If Petitioners' newly proposed amendments to the rule aren't necessary for compliance with state and federal cogeneration law with a ten year standard offer contract minimum term, they don't become necessary simply because the Commission is proposing to change the minimum term of standard offer contracts from ten years to five years. Petitioners shouldn't be heard to petition for unnecessary rule amendments simply as a vehicle for opposing other unrelated amendments.

4. In view of the foregoing, Tampa Electric has urged in its Response to the Petition to Initiate Rulemaking that the Commission deny rulemaking. Consistent with that request Tampa Electric urges the Commission to deny Petitioners' Motion to Consolidate Petitioners February 27, 2002 Petition with Docket No. 001574-EQ.

WHEREFORE, Tampa Electric urges that Petitioners' Motion to Consolidate Rulemaking Proceedings be denied.

DATED this 11th day of March 2002.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Response, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 11th day of March 2002 to the following:

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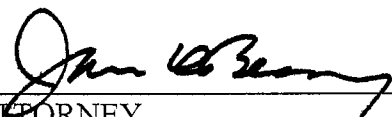
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