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October 23, 2002

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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: Fuel and Purchased Power Cost Recovery Clause with Generating Performance  
Incentive Factor; FPSC Docket No. 020001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original ten (10) copies of Tampa Electric  
Company's Motion to Shorten Time for Discovery Responses.

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

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

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FPSC-BUREAU OF RECORDS

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery )  
Clause with Generating Performance Incentive ) DOCKET NO. 020001-EI  
Factor. ) FILED: October \_\_, 2002  
\_\_\_\_\_ )

**TAMPA ELECTRIC COMPANY'S  
MOTION TO SHORTEN TIME FOR DISCOVERY RESPONSES**

Tampa Electric Company ("Tampa Electric" or "the company") hereby moves the Commission for entry of an order requiring all parties to this proceeding to comply with the expedited discovery response time provision in the Order Establishing Procedure<sup>1</sup>:

Within 20 days of service of each discovery request related to matters raised in a utility's projection testimony and exhibits, the utility shall serve its responses to the requesting party via hand-delivery, electronic mail, facsimile, or overnight courier.

In support thereof, the company states:

1. Requiring all parties to this proceeding to respond to discovery requests within twenty days via hand delivery or equivalent would be fair, equitable and will enable all concerned to obtain discovery on matters not raised until as late as intervenors' preliminary lists of issues and positions filed on or about October 15, 2002. That was probably intended but, unfortunately, not stated in the Order Establishing Procedure.

2. A good example of why Tampa Electric should be entitled to expedited discovery responses appears in the Florida Industrial Power Users Group's ("FIPUG's") Preliminary List of Issues and Positions, filed October 15, 2002, after the due dates for direct testimony and only a little over a month prior to the November 20 hearing in this docket. There FIPUG contends

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<sup>1</sup> Order No. PSC-02-0377-PCO-EI

that various unexplained ratemaking treatments and adjustments should be made without explaining the basis for these contentions. FIPUG also raises a new issue not previously identified by the Staff or any party. Fairness and due process dictate that Tampa Electric should have a meaningful opportunity to examine the basis of FIPUG's contentions prior to hearing. The requested expedited time frame for responses to discovery is the only way to accomplish this.


3. The foregoing relief will ensure that all parties to this proceeding obtain due process and a fair opportunity to prepare for hearing.

4. Tampa Electric has contacted counsel for FIPUG and Office of Public Counsel and is authorize to represent that OPC does not oppose the Motion. FIPUG has not indicated whether or not it opposes this Motion. The utility participants in this docket are already obligated to respond to discovery within 20 days.

WHEREFORE, Tampa Electric moves the Commission to require that all parties comply with the 20-day discovery response time via hand delivery, electronic mail, facsimile or overnight courier which the Commission's March 20, 2002 Order Establishing Procedure for this docket required of the utilities.

DATED this 23<sup>rd</sup> day of October 2002.

Respectfully submitted,



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LEE L. WILLIS

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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been furnished by U. S. Mail or hand delivery (\*) on this 23<sup>rd</sup> day of October 2002 to the following:

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