

McWHIRTER REEVES
ATTORNEYS AT LAW

ORIGINAL

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

July 25, 2003

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

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COMMISSION
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Re: Docket No.: 020898-EQ

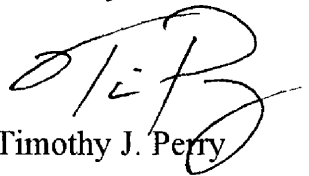
Dear Ms. Bayo:

On behalf of Cargill Fertilizer, Inc. enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Cargill Fertilizer, Inc.'s Motion to Shorten Discovery Response Time.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copy to me. Thank you for your assistance.

Sincerely,


Timothy J. Perry

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Cargill Fertilizer, Inc.
to engage in self-service wheeling of waste
heat cogenerated power to, from and
between points within Tampa Electric
Company's service area.

Docket No. 020898-EQ

Filed: July 25, 2003

**CARGILL FERTILIZER, INC.'S MOTION TO SHORTEN
DISCOVERY RESPONSE TIME**

Cargill Fertilizer, Inc. (Cargill), pursuant to Rule 28-106.204, Florida Administrative Code, files this motion to request that the Commission enter an order requiring Tampa Electric Company (TECo) to file any objections to Cargill discovery within five (5) days of service and to respond to discovery within fifteen (15) days of service. In the alternative, Cargill requests that the date it is required to file its direct testimony be moved to 15 days after TECo fully answers the discovery posed by Cargill or is relieved from the obligation to do so. As grounds therefore, Cargill states:

1. Section 366.051, Florida Statutes, entitles Cargill to transmit self-generated power over the transmission lines of TECo to other Cargill sites *unless* TECo can demonstrate that the operation materially increases the rates of the general body of ratepayers. Cargill requested statutorily-mandated, permanent self-service wheeling service (SSW) from TECo. TECo denied Cargill's request.

2. On August 18, 2002, Cargill filed a petition requesting that the Commission overrule TECo's denial and make permanent the experimental SSW program it approved in Order No. PSC-00-1596-TRF-EQ.

3. On July 24, 2003, the Commission issued the Order No. PSC-03-0866-PCO-EQ (Order 0866). Order 0866 granted Cargill's motion to compel, lifted the procedural abeyance, and

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set out pertinent procedural dates, including a due date of August 27, 2003 for Cargill's direct testimony.

4. Until the entry of the Order 0866, there was a procedural abatement in place preventing Cargill from serving any discovery requests (other than those served prior to the entry of the abatement order). See, Order Nos. PSC-03-0276-PCO-EQ, Order No. PSC-03-0773-PCO-EQ.

5. Today Cargill served its Second Set of Discovery on TECo. Under the normal 30-day time period for responses to discovery, TECo's answers would not be due until August 25th, two days before the due date for Cargill's direct testimony. This assumes that Cargill receives full and complete answers to its discovery when TECo files its original responses.

6. Without an order requiring an expedited response time, Cargill will not have the necessary information, which only TECo possesses, to prepare its testimony.¹ Therefore, because all the information requested is in TECo's sole possession and available from no other source, and because it is needed in order for Cargill to prepare its testimony and to prepare for hearing, Cargill requests that such information be provided to it within fifteen (15) days of receipt of discovery.² In the alternative, Cargill should not be required to file its testimony until fifteen (15) days from the time TECo fully answers Cargill's discovery questions.

6. Cargill was unable to contact counsel for TECo for comment on the motion.

WHEREFORE, Cargill requests that the Prehearing Officer enter an order expediting discovery in this matter and requiring TECo to a) file any objections to discovery within five (5) days of service, and b) respond to discovery within fifteen days (15). In the alternative, Cargill requests that the date it is required to file its direct testimony be moved to 15 days after TECo fully answers

¹ In granting Cargill's Motion to Compel in its entirety, the Prehearing Officer recognized that the information which Cargill needs to prepare its case is solely in TECo's possession.

² Cargill further asks that TECo file its objections, if any, within five (5) days of receipt of these requests.

the discovery posed by Cargill or is relieved from the obligation to do so.



John W. McWhirter, Jr.
McWhirter Reeves McGlothlin
Davidson Kaufman & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33601-3350
Telephone: (813) 224 0866
Facsimile: (813) 221 1854

Vicki Gordon Kaufman
Timothy J. Perry
McWhirter Reeves McGlothlin
Davidson Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 222-2525
Facsimile: (850) 222-5606

Attorneys for Cargill Fertilizer, Inc.

CERTIFICATE OF SERVICE

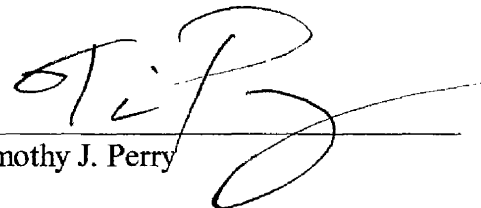
I HERBY CERTIFY that a true and correct copy of the foregoing Motion to Shorten Discovery Response Time has been furnished by (*) hand delivery or U.S. Mail on this 25th day of July 2003, to the following:

(*) Rosanne Gervasi
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

(*) Michael Haff
Florida Public Service Commission
2540 Shumard Oak Blvd
Gunter Building
ECR, Room 225L
Tallahassee, Florida 32399

(*) James D. Beasley
Ausley & McMullen
227 South Calhoun Street
Post Office Box 391
Tallahassee, Florida 32302

Harry W. Long, Jr.
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601



Timothy J. Perry