

ORIGINAL

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July 29, 2003

HAND DELIVERY

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

RECEIVED-FPSC
JUL 29 PM 4:25
COMMISSION
CLERK

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 Territory; FPSC Docket No. 020898-EQ

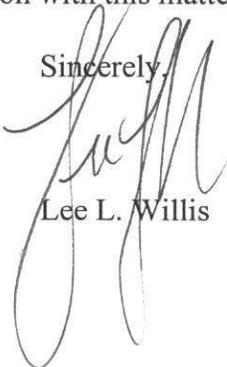
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Response of Tampa Electric Company to the Motion of Cargill Fertilizer, Inc.'s to Shorten Discovery Response Time.

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,



Lee L. Willis

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TH
FPSC-BUREAU OF RECORDS

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LLW/bjd
Enclosure

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

DOCUMENT NUMBER-DATE

06871 JUL 29 8

FPSC-COMMISSION CLERK

ORIGINAL

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 territory.)
_____)

Docket No. 020898-EQ
Filed: July 29, 2003

**RESPONSE OF TAMPA ELECTRIC COMPANY TO THE MOTION OF
CARGILL FERTILIZER, INC. TO SHORTEN DISCOVERY RESPONSE TIME**

Pursuant to Rule 28-106.204, Florida Administrative Code, Tampa Electric Company ("Tampa Electric") hereby responds to the July 25, 2003 motion ("Motion") filed by Cargill Fertilizer, Inc. ("Cargill"), asking this Commission to enter an order requiring Tampa Electric to file any objections to Cargill Second Set of Interrogatories and Second Request For Production of Documents ("New Discovery Requests") within five (5) days of service and to respond to the New Discovery Requests 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 Tampa Electric fully answers the new discovery posed by Cargill or is relieved from the obligation to do so. As discussed below, Tampa Electric opposes Cargill's motion to shorten response time. However, Tampa Electric does not object to Cargill's request for additional time to file its direct testimony, so long as the remainder of the procedural schedule is adjusted commensurately. In support whereof, Tampa Electric says:

1. On July 24, 2003, the Prehearing Officer issued Order No. PSC-03-0866-PCO-EQ ("Order"), which, among other things, reinstated the procedural schedule in this docket and directed Tampa Electric to respond to Cargill's First Set of Interrogatories,

DOCUMENT NUMBER-DATE

06871 JUL 29 8

FPSC-COMMISSION CLERK

First Request For Production of Documents and First Request For Admissions by Friday, August 8, 2003, fifteen (15) days following the date of the Order. The Order further specified that All discovery must be completed by October 15, 2003 and that any objections to discovery must be made with 10 days following the receipt of a discovery request.

2. After the close of business on Friday, July 25, 2003, Cargill hand-delivered the New Discovery Requests and the Motion to the offices of Tampa Electric's Attorney in Tallahassee.

3. The New Discovery Requests include 33 interrogatories, when the subparts of questions are taken into account, and 4 excessively broad requests for the production of documents. Tampa Electric has objected to certain of these requests in a separate pleading. Responding to those requests that are not objectionable will be extremely time consuming, given the nature of the requests. If the time within which Tampa Electric must respond to these requests is shortened, as requested in the Motion, responses would be due on Monday, August 11th, a mere two weekend-days after responses to Cargill's first round of discovery is due pursuant to the Order.

4. Given the extensive and burdensome nature of the New Discovery Requests and the fact that Tampa Electric is currently working diligently to complete responses to Cargill's first set of discovery requests, requiring responses to the New Discovery Requests by August 11th would be unduly burdensome and unnecessarily punitive.

5. Cargill will have ample opportunity to make use of any information that it receives in response to the New Discovery Requests if the Commission adheres to the 30-

day response period for discovery requests inherent in the Order. Although Cargill is correct that Tampa Electric's responses to the New Discovery Requests would be due on August 25th pursuant to the Order as it now stands, the Parties will have an opportunity to file rebuttal testimony on September 24th, giving Cargill ample opportunity to take advantage of discovery responses received from Tampa Electric on August 25th.

6. Tampa Electric shares the Commission's desire to move this proceeding forward as quickly and efficiently as possible. However, Tampa Electric does not object to Cargill's request for additional time to file its direct testimony, so long as the remainder of the procedural schedule is adjusted commensurately.

WHEREFORE, Tampa Electric respectfully requests that the Commission issue an order denying Cargill's request to shorten discovery response time.

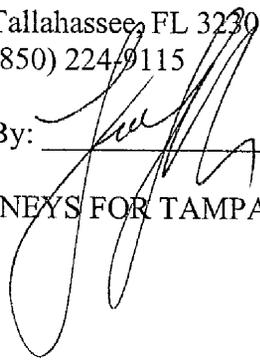
DATED this 29th day of July 2003.

Respectfully submitted,

HARRY W. LONG, JR.
Assistant General Counsel
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(813) 228-1702

And

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By:  _____

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

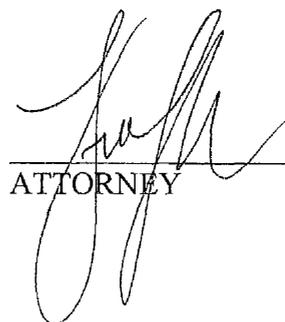
I HEREBY CERTIFY that a true copy of the foregoing Response, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 29th day of July, 2003 to the following:

Rosanne Gervasi*
Staff Counsel
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