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July 30, 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
05 JUL 30 PM 4:15
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 Motion of Tampa Electric Company for Clarification of Order No. PSC-03-0866-PCO-EQ.

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.

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TH
FPSC-BUREAU OF RECORDS

Sincerely,

James D. Beasley
James D. Beasley

JDB/bjd
Enclosure

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

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Cargill Fertilizer, Inc.)	Docket No. 020898-EQ
to engage in self-service wheeling of waste)	Filed: July 30, 2003
heat cogenerated power to, from and)	
between points within Tampa Electric)	
Company's service territory.)	
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MOTION OF TAMPA ELECTRIC COMPANY FOR CLARIFICATION OF ORDER NO. PSC-03-0866-PCO-EQ

Pursuant to Rule 28-106.204, Florida Administrative Code, Tampa Electric Company ("Tampa Electric" or the "Company") hereby requests clarification of the procedural schedule set forth in Order No. PSC-03-0866-PCO-EQ ("Order"), issued by the Prehearing Officer in this proceeding on July 24, 2003. In support thereof, the Tampa Electric says:

1. The current procedural schedule for this docket is set forth at Pages 14-15 of the Order. In relevant part, the Order specifies the following due dates:

- | | |
|---|---------------------------|
| <i>"1) Cargill's direct testimony and exhibits</i> | <i>August 27, 2003</i> |
| <i>2) TECO's direct testimony and exhibits/
Staff's direct testimony and exhibits, if any</i> | <i>September 10, 2003</i> |
| <i>3) Rebuttal testimony and exhibits/
Prehearing Statements"</i> | <i>September 24, 2003</i> |

2. Based on this procedural schedule, Tampa Electric assumes that all parties are free to file rebuttal testimony on September 24th rebutting previously filed direct testimony since the Order requires Cargill Tampa Electric and Staff to file direct testimony prior to September 24th and does not, on its face, purport to limit the right of the Staff or the parties to file rebuttal testimony on September 24th.

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However, the Order is not entirely clear with regard to this point. Therefore, Tampa Electric respectfully requests clarification of the Order and confirmation of its understanding that all parties will have an opportunity to file rebuttal testimony on September 24th.

3. If, however, the Commission's expectation is that Tampa Electric will file both direct testimony and rebuttal to Cargill's August 27th direct testimony on September 10th, then Tampa Electric must request modification of the procedural schedule.
4. Tampa Electric anticipates that Cargill will present testimony and exhibits on August 27th that will require examination through discovery in order to be properly understood. Tampa Electric will not be in a position to rebut Cargill's direct testimony unless a reasonable opportunity for discovery is permitted. A requirement that Tampa Electric rebut Cargill's August 27th direct testimony on September 10th would leave only two weeks for Tampa Electric to propound discovery based on Cargill's August 27th testimony, await Cargill's responses to such discovery and draft appropriate rebuttal testimony. Tampa Electric respectfully submits that it would be impossible to complete these tasks within the posited two-week period. Likewise, should Staff file direct testimony on September 10, Tampa Electric would have no opportunity to conduct discovery and draft appropriate rebuttal on any such Staff testimony.
5. Tampa Electric does not intend to wait until Cargill has filed its direct testimony before propounding discovery. To the contrary, Tampa Electric will attempt to elicit as much useful information as possible from Cargill before Cargill files its

direct testimony. Furthermore, Tampa Electric anticipates that it will propound additional discovery with regard to Cargill's direct testimony after it has been filed. However, despite such diligent efforts, Tampa Electric would not have the information necessary to properly rebut Cargill's direct testimony by September 10th.

6. Tampa Electric has contacted counsel for Cargill in order to ascertain Cargill's position with regard to this motion. Counsel for Cargill stated that Cargill would file a response setting forth its position after this motion has been filed.

WHEREFORE, Tampa Electric respectfully requests that the Commission issue an order confirming that all parties will have the opportunity to file rebuttal testimony on September 24th, pursuant to the Order or, in the alternative, providing that Tampa Electric testimony rebutting Cargill's August 27th direct testimony will not be due until 15 days after Cargill fully answers discovery propounded by Tampa Electric with regard to Cargill's direct testimony.

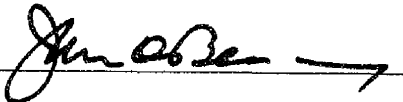
DATED this 30th day of July, 2003.

Respectfully submitted,

HARRY W. LONG, JR.
Assistant General Counsel
Tampa Electric Company
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And

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Ausley & McMullen
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By:  _____

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy of the foregoing Motion, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 30th day of July, 2003 to the following:

Rosanne Gervasi*
Staff Counsel
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Ms. Vicki Gordon Kaufman*
Mr. Joseph A. McGlothlin