

JAMES E. "JIM" KING, JR.
PRESIDENT

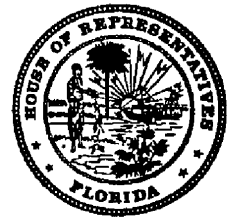


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JOHNNIE BYRD
SPEAKER



October 3, 2003

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RECEIVED-FPSC
O3 OCT -3 PM 3:45
COMMISSION
CLERK

RE: Docket No. 030001-EI

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of Citizens' Response to Tampa Electric's Motion to Alter Schedule to Accommodate Concerns of Intervenors.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Robert Vandiver
Associate Public Counsel

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RV/pwd
Enclosures

DOCUMENT NUMBER-DATE
09609 OCT-3 03
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost
recovery clause with generating
performance incentive factor.

Docket no. 030001-EI

Filed: October 3, 2003

**CITIZENS' RESPONSE TO TAMPA ELECTRIC'S MOTION
TO ALTER SCHEDULE TO ACCOMMODATE CONCERNS OF INTERVENORS**

The Citizens of the State of Florida ("Citizens"), pursuant to Rule 28-106.204, Florida Administrative Code, hereby file this response to the motion filed by Tampa Electric Company ("Tampa Electric" or "Company") on September 30, 2003, and as grounds therefore, state:

1. As recited in the Tampa Electric's motion, initial testimony was filed on September 12, 2003 and their supplemental testimony was filed on September 25, 2003. The latter filing was accompanied by a Motion for Leave to File Supplemental Testimony.

2. The Florida Industrial Power Users Group ("FIPUG"), filed their objection to Tampa Electric's motion on September 29, 2003. The Citizens filed a response on September 30, 2003. Both responses are incorporated herein by reference.

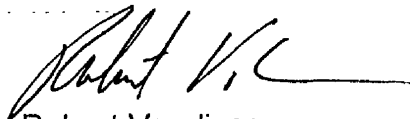
3. Tampa Electric's motion suggests that a 21 day period from the date the supplemental testimony was filed would be an appropriate time to reschedule the due date for Staff and Intervenor testimony. Citizens are now in possession of Mr. Dibner's confidential study, which is 102 pages in length. Citizens submit that it is patently unreasonable to expect parties digest the testimony and exhibits, hire experts, conduct the requisite discovery and file testimony on unfamiliar material in 21 days.

4. Citizens do not wish to exclude essential information from the Commission on which they could make an informed decision. Rather, the Citizens view the issue as one of timing, i.e., when will the Commission make a decision. Rather than rush to judgment on an essentially ex parte record, the Citizens believe that the more reasoned approach is to set forth a procedural schedule that allow *all* parties the opportunity to learn more about these complex, important issues. This schedule will allow discovery, possible engagement of outside consultants, discussion among all parties, and further study of the detailed and voluminous information recently filed by Tampa Electric.

5. The Citizens' approach results in prejudice to no party. No compelling reason exists for a decision on these issues at the 2003 fuel hearings, particularly when weighed against the harm to the process from a quick decision.¹

THEREFORE, based on the above, the Citizens request the Tampa Electric's Motion to Alter Schedule to Accommodate Concerns of Intervenors filed September 30, 2003, be denied.

Respectfully submitted,



Robert Vandiver
Associate Public Counsel
Fla. Bar No. 344052

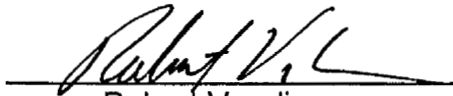
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¹ Tampa Electric plans to use the current contract for cost recovery purposes. Wehle Testimony, 9/12/03 at p. 21.

Attorney for the Citizens
of the State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 030001-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 3rd day of October, 2003.



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