

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 030001-EI
Factor.) FILED: October 10, 2003
_____)

**TAMPA ELECTRIC COMPANY'S RESPONSE IN OPPOSITION
TO MOTION TO ESTABLISH SEPARATE DOCKET**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 28-106.204, Florida Administrative Code, responds in opposition to the Motion to Establish Separate Docket filed October 8, 2003 in the above proceeding on behalf of certain named individuals alleged to be residential electric customers of Tampa Electric, and says:

1. This response in opposition to the Motion to Establish Separate Docket is submitted subject to Tampa Electric's Answer in Opposition to the Petition to Intervene filed on behalf of such customers. The Petition to Intervene should be denied and, therefore, the Motion to Establish Separate Docket should be considered moot.

2. The Petition to Intervene and the Motion to Establish Separate Docket that accompanied it were both filed late in this proceeding and clearly for the sole purpose of attempting to delay the Commission's consideration and disposition of issues that had been open for consideration and subject to discovery and development for many months. Indeed, OPC has taken full advantage of that opportunity on behalf of all residential customers of Tampa Electric, including those alleged in the Petition to Intervene.

3. The sole substantive claim raised by the residential customers as an excuse to delay this proceeding is that Tampa Electric submitted supplemental testimony less than two weeks after it filed direct testimony. However, this claim would be cured by the granting of

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Tampa Electric's Motion to Alter Schedule to Accommodate Concerns of Intervenors in which the company proposed a schedule that would give all intervenors at least the amount of time to file testimony responsive to Tampa Electric's supplemental testimony that they were afforded under the schedule announced in mid January of this year. The residential customers who are proposed intervenors simply adopt the arguments presented by FIPUG and OPC. That argument is that they cannot now prepare for hearing in the same number of days they were afforded in the CASR that was published on January 15, 2003. If that number of days was inadequate FIPUG and OPC should have raised the issues months ago, but they didn't. The proposed residential intervenors should not be heard to adopt the same delay tactic. In essence, their argument is an excuse and not a justification for their request to delay consideration of issues that have been on the table for the entire year.

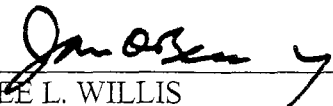
4. The proposed intervenors statement of the disputed issues of fact and law set forth in paragraph 9 of the proposed intervenors Petition to Intervene makes it abundantly clear that the issues the intervenors claim need to be addressed were known to all parties throughout the history of this docket.

5. Tampa Electric is entitled to due process and the Commission's consideration and resolution of all Tampa Electric related issues in this proceeding at the hearing scheduled to be commenced on November 12, 2003.

WHEREFORE, Tampa Electric urges that the residential customers' Motion to Establish Separate Docket be denied. In so doing Tampa Electric reiterates the fact that granting of the company's Motion to Alter Schedule to Accommodate Concerns of Intervenors will completely make intervenors whole as relates to the long established procedural schedule for the conduct of this proceeding.

DATED this 10th day of October 2003.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response in Opposition, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 10th day of October 2003 to the following:

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