

JAMES E. "JIM" KING, JR.
President



Harold McLean
Public Counsel

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

JOHNNIE BYRD
Speaker



Robert D. Vandiver
Associate Public Couns

January 9, 2004

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 031033-EI

Dear Ms. Bayó:

Enclosed is an original and ten copies of Notice of Intent to Serve Subpoena on Non Party Pursuant to Rule 1.351, Florida Rules of Civil Procedure for filing in the above referenced file.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Vandiver".

Robert Vandiver
Associate Public Counsel

RV/pwd

DOCUMENT NUMBER DATE

00426 JAN-9 3

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's
2004-2008 waterbound transportation
contract with TECO transport and trade

Docket No. 031033-EI

Filed: January 9, 2003

**NOTICE OF INTENT TO SERVE SUBPOENA ON NONPARTY PURSUANT TO
RULE 1.351, FLORIDA RULES OF CIVIL PROCEDURE**

Comes now the Citizens of the State of Florida by and through the Office of Public Counsel (Citizens) and hereby file this notice pursuant to Rule 1.351, Florida Rules of Civil Procedure. Notice is hereby given that pursuant to the attached subpoena (Attachment 1), Citizens of the State of Florida request production of documents as listed in the attached subpoena from:

S. M. McDevitt
702 N. Franklin Street
Tampa, FL 33602
Registered Agent for TECO Transport, Inc.

Respectfully submitted,



Robert Vandiver

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Docket No. 031033-EI)
Review of Tampa Electric Company's 2004-2008)
waterborne transportation contract with TECO)
Transport and associated benchmark.)
_____)

**SUBPOENA DUCES TECUM
WITHOUT DEPOSITION**

THE STATE OF FLORIDA

TO: S.M. McDevitt, Registered Agent for TECO Transport, Inc., 702 N. Franklin Street, Tampa, Florida 33602

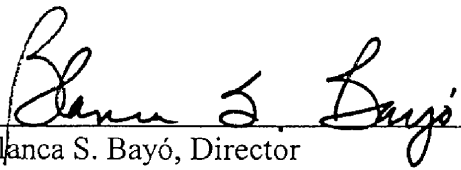
YOU ARE COMMANDED to appear at 702 N. Franklin Street, Tampa, Florida 33602, on Monday, January 26, 2004, at 11:00 a.m., or at such other time and place as may be mutually agreed upon by counsel, and to have with you at that time and place the following: All documents set forth as Attachment A, Requested Documents.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

YOU ARE SUBPOENAED by the following attorney to (1) appear as specified, or (2) furnish the records instead of appearing as provided above, and unless excused from this subpoena by this attorney or the Commission you shall respond to this subpoena as directed.

DATED on January 9, 2004.

(S E A L)



Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission

Rob Vandiver, Esq.

c/o The Florida Legislature

111 W. Madison St., Room 812

Tallahassee, FL 32399-1400

Attorneys for Office of Public Counsel

Attachment

Attachment A
Requested Documents

Produce the balance sheet and income statement for TECO Transport for December 31, 1992 and the past five years.

Provide all reports, correspondence, notes, memoranda, e-mails, presentations, evaluations, assessments and/or other documents in the possession of TECO Transport that relate to the negotiations, acceptance, signing of and the administration of the current contract for waterborne transport services provided to Tampa Electric by TECO Transport, its affiliates and its subsidiaries.

Provide copies of all billing in the possession of TECO Transport from TECO Transport, its affiliates and/or its subsidiaries to Tampa Electric for waterborne transportation services on a monthly basis since December 1, 2001, through January 1, 2003.

Provide copies of all reports, correspondence, notes, memoranda, e-mails, presentations, evaluations, assessments and/or other documents in the possession of TECO Transport that relate to the revenues, cost and/or profitability of the waterborne transport services rates charged to TECO Transport that were originated since December 31, 2001 to the present date.

Provide copies of all reports, correspondence, notes, memoranda, e-mails, presentations, evaluations, assessments and/or other documents in the possession of TECO Transport that concern the costs of waterborne transport rate elements provided for Tampa Electric as opposed to the rates TECO Transport charges third parties for similar waterborne transport services that were originated since December 31, 2001, to the present date.

Provide copies of all reports, correspondence, notes, memoranda, e-mails, presentations, evaluations, assessments and/or other documents in the possession of TECO Transport that characterize or evaluate the costs, revenues and profitability of TECO Transport's waterborne transport services in general that have been originated since December 31, 2001, to the present date.

Provide copies of all TECO Transport monthly budget analysis reports in the possession of TECO Transport for waterborne transport services, including budget variances originated by the company since December 31, 2001, to the present date.

Provide copies of all reports, correspondence, notes, memoranda, e-mails, presentations, evaluations, assessments and/or other documents in the possession of TECO Transport that relate to the competitive rates that apply for similar waterborne transport service elements that are included in the Tampa Electric waterborne transport contract originated since December 31, 2001, including upriver, terminal and cross-gulf.

Provide copies of all depreciation schedules prepared by the company for use in providing waterborne transport services in the possession of TECO Transport relating to the Tampa Electric contracts originated by the company since January 1, 2001, to the present date. If such data is unavailable, provide copies of depreciation schedules relating to TECO Transport's total barge and terminal depreciation expense.

Provide copies of all documents in the possession of TECO Transport that show the tonnage and/or rates for Petcoke coal shipped direct from Texas to Tampa in 2001 and 2002, listed separately.

Provide copies of all documents in the possession of TECO Transport that concern the cost of handling foreign coal at the terminal, the appropriate rate for such transactions, and/or the difference between the cost of handling foreign coal at the terminal as opposed to the cost of handling river barge coal at the terminal under the Tampa Electric contract originated since January 1, 2002.

Provide copies of all maps or other documents in the possession of TECO Transport that show the physical location of mines up river to the physical location of docks and terminals upriver that provide coal under the Tampa Electric contract originated since January 1, 2002.

Provide copies of all documents in the possession of TECO Transport that show the cost and/or rates for truck or rail transport to the upriver barges that are passed on to Tampa Electric under the waterborne transport contract originated since January 1, 2002.

Provide copies of all documents in the possession of TECO Transport that show the cost and/or rates for upriver terminal services, by location, that are passed on to Tampa Electric under the waterborne transport contract originated since January 1, 2002.

Provide copies of all documents in the possession of TECO Transport that show the cost and/or rates for transport of coal to the Polk plant, including the tonnages shipped and the rates charged for year 2001, 2002 and 2003.

Provide copies of all documents in the possession of TECO Transport that show tonnages and/or rates and/or total revenues, by each rate element charged and/or combined rate elements under the Tampa Electric contract that are projected for 2004.

Provide copies of all documents in the possession of TECO Transport that show the revenues and expenses that TECO Transport projects for 2004 under the existing contract with Tampa Electric.

Provide copies of all documents shown in the possession of TECO Transport revenues and expenses that TECO Transport projects for 2004, in total.

Provide copies of all documents in the possession of TECO Transport that TECO Transport has received from or sent to Tampa Electric's parent corporation relating to the revenues, costs, terms or conditions of the existing contract with Tampa Electric, including all projections of revenues and costs that relate to that contract originated since January 1, 2002.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the above and foregoing has been furnished by U.S. Mail or *hand-delivery this 9th day of January, 2004:

James Beasley *
Lee Willis
Ausley Law Firm
Post Office Box 391
Tallahassee, FL 32302

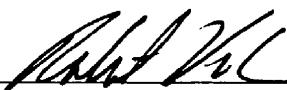
Gil Feltel
CSX Transportation
500 Water Street, J150
Jacksonville, FL 32302

Robert Scheffel Wright
John LaVia, III
Landers Law Firm
Post Office Box 271
Tallahassee, FL 32302

Angela Llewellyn
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601-0111

Cochran Keating*
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin
117 South Calhoun Street
Tallahassee, Florida 32301


Robert D. Vandiver
Associate Public Counsel