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January 28, 2004

HAND DELIVERED

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

Re: Review of Tampa Electric Company's waterborne transportation contract with
TECO Transport and associated benchmark; FPSC Docket No. 031033-EI

Dear Ms. Bayo:

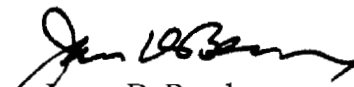
Enclosed for filing in the above docket are the original and fifteen (15) copies of each of
the following:

1. Tampa Electric Company's Response in Opposition to Motion for
Reconsideration.
2. Tampa Electric Company's Response in Opposition to Request for
Oral Argument.

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,


James D. Beasley

JDB/pp
Enclosure

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

DOCUMENT NUMBER-DATE

01269 JAN 28 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's)
Waterborne transportation contract with) DOCKET NO. 031033-EI
TECO Transport and associated benchmark.) FILED: January 28, 2004
_____)

**TAMPA ELECTRIC COMPANY'S RESPONSE
IN OPPOSITION TO MOTION FOR RECONSIDERATION**

Tampa Electric Company ("Tampa Electric" or "the company") files this its Response in Opposition to the Motion for Reconsideration filed on behalf of Catherine L. Claypool, Helen fisher, William Page, Edward A. Wilson, Sue E. Strohm, Mary Jane Williamson, Betty J. Wise, Carlos Lissabet and Lesly A. Diaz (the "residential electric customers") on January 26, 2004 and says:

1. The residential electric customers have not identified any material point of fact or law overlooked by Chairman and Prehearing Officer Braulio L. Baez in denying the Motion to Alter Hearing Schedule filed on behalf of the Office of Public Counsel ("OPC") and the Florida Industrial Power Users Group ("FIPUG") and joined in by the residential electric customers. Instead, the Motion for Reconsideration simply attempts to reargue the matters asserted in the original joint motion. The purpose of a petition for rehearing or reconsideration is merely to bring to the attention of the lower tribunal or administrative agency some point which it overlooked or failed to consider when it rendered its order in the first instance. It is not intended as a procedure for rearguing the merits simply because the losing party disagrees with the result. Diamond Cab Company of Miami v. King, 146 So.2d 889 (Fla. 1962).

2. The order denying the Joint Motion to Alter the Hearing Schedule carefully lays out the reasoning of the Chairman and Prehearing Officer for adhering to the current hearing

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schedule. That decision was within the sound discretion of Chairman and Prehearing Officer Baez and the residential electric customers have put forth nothing to demonstrate that that discretion was abused.


3. Tampa Electric responded in detail to the efforts on the part of the intervenors to delay the process further in the company's December 29, 2003 reply to the joint motion. Rather than restating the points set out in that response, Tampa Electric simply incorporates that response by reference as additional grounds for denial of the Motion for Reconsideration.

4. It is time to move forward with this case and to have the issues decided based on record evidence. The current schedule affords all involved an opportunity to fully participate in that process. As was observed in the order denying the joint motion, the current schedule is consistent with the expressed intentions of the full Commission and does not prejudice any party.

WHEREFORE, Tampa Electric Company urges that the Motion for Reconsideration filed on behalf of the Residential electric customers be denied in all respects.

DATED this 28th day of January 2004.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Response in Opposition to Motion for Reconsideration, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 28th day of January 2004 to the following:

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