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April 19, 2004

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Chairman Braulio Baez
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 Chairman Baez:

Tampa Electric Company ("Tampa Electric") today is filing a Motion to Compel ("the Motion") answers to certain interrogatories and the production of certain documents that are critical elements for revealing the real parties in interest in this proceeding. Tampa Electric is pursuing this legal remedy in an effort to learn the true identity of as yet undisclosed commercial interests who Tampa Electric believes have sponsored and orchestrated the participation in this proceeding of certain nominal residential customer intervenors represented by Michael B. Twomey. A copy of Tampa Electric's motion is enclosed for your convenience. These parties are involved in FPSC Docket No. 031033-EI.

Tampa Electric has twice tried and failed (on February 6, 2004, and again on February 16, 2004) to obtain the interrogatory answers and requested documents. Because those methods have been exhausted, we have filed this motion with the Commission, which has jurisdiction in this matter and which will hear open testimony in this docket on May 26 and May 27, 2004.

We are taking this step in order to be able to know, fully and exactly, who is involved in making allegations and urging positions adverse to the interests of Tampa Electric in this matter and consequently who is the real party in interest. Tampa Electric has significant information and proof (shown in the exhibits to the Motion) which raise very troubling questions about why this group is challenging the contract in this case. For instance, we believe that Mr. Twomey, the nominal intervenors' attorney, may in fact directly or indirectly represent one or more suppliers of coal or coal transportation services which otherwise may not have standing to participate in this proceeding.

Furthermore, in seeking to remain anonymous, these corporate interests may have indirectly funneled significant financial resources to Mr. Twomey through various entities including, but not limited to, the Consumer Federation of the Southeast and a Tallahassee-based public relations firm, Sachs Communications, Inc., which is owned and operated by Mr. Ron Sachs.

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The information we seek is relevant and essential to understand the true interests Mr. Twomey serves as we develop testimony about the market for coal transportation. The situation is aggravated by what could be a very serious conflict of interest if the real party in interest represented by Twomey is a competing coal supplier or a coal transportation provider who is attempting to hide behind Mr. Twomey and the group of residential customers Mr. Twomey represents in this matter.

You will see in the attachments to the Motion certain back-up documents that raise several serious questions about the authenticity of certain groups, such as the Consumer Federation of the Southeast, which is associated with Mr. Twomey in bringing allegations against Tampa Electric. Tampa Electric believes that the Consumer Federation of the Southeast, nominally a nonprofit organization, is in essence a front organization established by the Sachs Communications public relations firm to support large corporate interests. Using this front, we believe unknown interests are seeking either 1) to extract retribution against Tampa Electric for not choosing that supplier to provide coal transportation, 2) to cause Tampa Electric to rebid its coal transportation business at significant expense, or 3) to devalue the assets of TECO Transport (a TECO Energy subsidiary) in order to make it a takeover target.

Back-up documents attached to the Motion include:

- A registration filed with the Florida Secretary of State showing the creation of the Consumer Federation of the Southeast on September 29, 2003 by Ron Sachs, Michelle Ubben and Walter Dartland (attachment #5) after their attempt to use the Consumer Federation of Florida as a front to attack Tampa Electric failed. Sachs and Ubben are executives with Sachs Communications firms;
- Excerpts from depositions linking Mr. Twomey to the Consumer Federation of Florida which has been funded in significant part in the past by various corporate entities such as AT&T, Abbott Labs and Krupa Co., etc;
- A copy of a letter sent on November 24, 2003 by CFSE to coal transportation suppliers announcing that Consumer Federation of the Southeast and Mr. Twomey were assisting a group of residential customers seeking to intervene in this contract matter. The letter urged the coal transportation companies to contribute money to the CFSE. It says in part: "Our corporate status does not require us to reveal our contributors, and we will keep your identity confidential."

It is obvious from the trail of documents and official records that something more is going on here than a traditional conflict arising out of concerns voiced by a small group of residential electric customers.

Indeed, if Mr. Twomey's undisclosed clients are seeking to unravel the existing contract between Tampa Electric and TECO Transport, those objectives may well be at odds with objectives of his named residential clients. Even the Staff of the Commission itself has observed

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that Tampa Electric has suffered the brunt of various accusations which do not appear to have a basis in fact.

In a Staff Recommendation dated October 28, 2003 (attached to the Motion), the report states that: "*Staff is sympathetic to Tampa Electric's concerns over misinformation being publicly disseminated ... it appears that some of the publicly disseminated statements are based on erroneous assumptions.*"

Tampa Electric has a fundamental right to know the identity of and to deal directly with all intervenors in this matter. Florida prides itself on doing business "in the sunshine," and we believe that this matter needs to be brought into the full light of day.

If there is nothing to hide, there should be no difficulty whatsoever in answering the interrogatories that have yet to be answered and in supplying the documents that have been withheld. The denials, the rejections and the outright refusal to abide by the rules of open discovery do nothing more than make it clear that significant interests are in fact hidden and that this proceeding is being abused to achieve ulterior motives of those undisclosed interests. In these days of nightly press reports of murky corporate intrigue and questionable business practices, transparency in business is gaining new respect.

Tampa Electric believes that this code should work in both directions. All parties should have the right to know who they are dealing with in matters that come before the Commission. So should the Commission. To allow intervenors in serious Commission matters to remain hidden while they raise financial campaigns to fund fake grassroots organizations that purport to protect the public's interest demeans the dignity and nature of the state's regulatory infrastructure. It benefits no public interest whatsoever when self-serving and manipulative forces attempt to make a circus of the regulatory processes of the Commission. Such efforts should not be condoned or supported in any form.

Tampa Electric believes there is urgency in this matter, and requests that the Commission takes up its Motion to Compel as soon as is possible in order that we might get to the bottom of these serious activities.

Sincerely,


James D. Beasley

JDB/pp
Enclosure

cc: Commissioner J. Terry Deason (w/enc.)
Commissioner Lila A. Jaber (w/enc.)
Commissioner Rudolph "Rudy" Bradley (w/enc.)
Commissioner Charles M. Davidson (w/enc.)
All Parties of Record