

JAMES E. "JIM" KING, JR.  
President

ORIGINAL

JOHNNIE BYRD  
Speaker



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



Harold McLean  
Public Counsel

October 14, 2004

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

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04 OCT 14 PM 3:18  
COMMISSION  
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RE: Docket No. 040002-EG

Dear Ms. Bayó:

Enclosed for filing in the above referenced docket are an original and fifteen copies of the Office of Public Counsel's Preliminary Statement of Issues and Positions together with a diskette containing the electronic version of same. The diskette is HD density; the word processing software in which the document appears is Word 3000.

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,

Patricia A. Christensen  
Associate Public Counsel

- CMP \_\_\_\_\_
  - COM 5 \_\_\_\_\_
  - GTR \_\_\_\_\_
  - ECR \_\_\_\_\_
  - GCL \_\_\_\_\_
  - OPC \_\_\_\_\_
  - MMS \_\_\_\_\_
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FPSC-COMMISSION CLERK

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost )  
recovery clause. )  
\_\_\_\_\_ )

DOCKET NO. 040002-EG

FILED: October 14, 2004

**PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL**

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to the Order Establishing Procedure in this docket, Order No. PSC-04-0290-PCO-EG, issued March 16, 2004, submit this Prehearing Statement.

**APPEARANCES:**

PATRICIA A. CHRISTENSEN, Esquire  
Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400  
On behalf of the Citizens of the State of Florida.

**A. WITNESSES:**

None.

**B. EXHIBITS:**

None.

**C. STATEMENT OF BASIC POSITION**

None at this time.

**D. STATEMENT OF FACTUAL ISSUES AND POSITIONS**

**ISSUE 1:**                    **What are the appropriate final conservation cost recovery true-up amounts for the period January 2003 through December 2003?**

**OPC POSITION:**            No position at this time.

**ISSUE 2:**                    **What are the appropriate conservation cost recovery factors for the period January 2005 through December 2005?**

**OPC POSITION:**            No position at this time.

**ISSUE 3:**                    **What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2005 through December 2005?**

**OPC POSITION:**            No position at this time.

**ISSUE 4:**                    **What should be the effective date of the new conservation cost recovery factors for billing purposes?**

**OPC POSITION:**            No position at this time.

**E. STATEMENT OF LEGAL ISSUES AND POSITIONS:** None at this time.

**F. STATEMENT OF POLICY ISSUES AND POSITIONS:** None at this time.

**G. STIPULATED ISSUES:** None.

**H. PENDING MOTIONS:** None.

**I. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:**

There are no requirements of the Order Establishing Procedure with which the Office of Public Counsel cannot comply.

Dated this 14th day of October, 2004.

Respectfully submitted,



PATRICIA A. CHRISTENSEN  
FLA. BAR NO. 098789  
ASSOCIATE PUBLIC COUNSEL  
OFFICE OF PUBLIC COUNSEL  
c/o THE FLORIDA LEGISLATURE  
111 WEST MADISON ST, RM. 812  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy has been furnished by U.S. Mail and/or hand delivered (\*) on this 14th day of October, 2004, to the following:

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A handwritten signature in black ink, appearing to read 'Patricia A. Christensen', with a large, stylized flourish extending to the right.

Patricia A. Christensen  
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