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Ruth Nettles

090368-EI

**From:** Jim Beasley [jbeasley@ausley.com]  
**Sent:** Friday, March 19, 2010 4:29 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Vicki Kaufman; Patty Christensen; John McWhirter; Keino Young  
**Subject:** Electronic filing-Response to OPC's Motion for Modification

**Attachments:** 090368 TECO Memorandum in Opposition.pdf



090368 TECO  
Memorandum in Op

Electronic filing

a. Person responsible for this electronic filing

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b. Docket No. 090368-EI

In re: Review of Continuing Need and Cost Associated with Tampa Electric Company's 5 Combustion Turbines and Big Bend Rail Facility

c. Document being filed on behalf of Tampa Electric Company

d. There are a total of 3 pages

e. The document attached for electronic filing is Notice of Service of Tampa Electric Company's Memorandum in Opposition to Office of Public Counsel's Motion for Modification of Testimony Filing Dates

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DOCUMENT NUMBER-DATE

01959 MAR 19 2010

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the continuing need and )  
Cost associated with Tampa Electric )  
Company's 5 Combustion Turbines and )  
Big Bend Rail Facility. )  
\_\_\_\_\_ )

DOCKET NO. 090368-EI

FILED: March 19, 2010

**TAMPA ELECTRIC COMPANY'S  
MEMORANDUM IN OPPOSITION TO OFFICE OF PUBLIC COUNSEL'S  
MOTION FOR MODIFICATION OF TESTIMONY FILING DATES**

Tampa Electric Company ("Tampa Electric" or "the company") files this its memorandum in opposition to the motion filed on behalf of the Office of Public Counsel ("OPC") seeking to alter various dates on the schedule for this proceeding and, says:

1. This docket was opened in July of 2009 and OPC has been a party since July 20, 2009.
2. The issues to be resolved in this proceeding are limited in scope and principally address whether five combustion turbines ("CTs") and a rail unloading facility were completed and placed in service by Tampa Electric by the end of 2009 and whether the CTs are needed to serve load requirements. These underlying issues were actually identified nearly 11 months ago in the Commission's final order in Tampa Electric's most recently completed rate proceeding. (Order No. PSC-09-0283-FOF-EI, issued April 30, 2009 in Docket No. 080317-EI, In Re: Petition for a Rate Increase by Tampa Electric Company).
3. The December 22, 2009 order in this docket setting this matter for hearing found that Tampa Electric had already met the condition that the five CTs are actually in service during 2009 and that it appeared that the rail facility would be completed by December 31, 2009. There

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simply are not a lot of issues remaining for OPC to address and OPC has known for a long time what those issues are.

4. The schedule in the order establishing procedure appears to be fair and accommodating to all participants and well thought out, especially considering the Commission's busy calendar. In view of this and the limited scope of the issues to be decided, OPC's current proposal to nearly double its time for preparing testimony while significantly reducing the time for Tampa Electric to submit rebuttal testimony is unreasonable and inappropriate.

WHEREFORE, Tampa Electric urges that OPC's motion for modification of testimony filing dates be denied and that this matter go forward on the schedule set forth in the order establishing procedure.

DATED this 19<sup>th</sup> day of March 2010.

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 Memorandum in Opposition, filed on behalf of Tampa Electric Company, has been served by electronic and U. S.

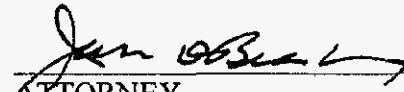
Mail on this 19<sup>th</sup> day of March, 2010 to the following:

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