

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

RECEIVED-FPSC

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10 JUL 20 PM 12: 20

COMMISSION  
CLERK

July 20, 2010

HAND DELIVERED

Ms. Ann Cole, Director  
Division of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Review of the Continuing Need and Cost Associated with Tampa Electric  
Company's Five Combustion Turbines and Big Bend Rail Facility;  
FPSC Docket No. 090368-EI

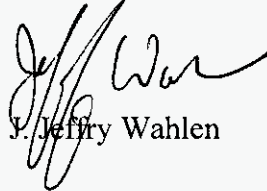
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa  
Electric's Consented Motion to Abate.

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,



J. Jeffrey Wahlen

JJW/pp  
Enclosure

cc: All parties of record (w/enc.)

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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: July 20, 2010

**TAMPA ELECTRIC'S CONSENTED MOTION TO ABATE**

Tampa Electric Company ("Tampa Electric" or "the company") hereby moves the prehearing officer for an order suspending or abating the activity in this docket pending approval of the Stipulation and Settlement Agreement filed with the Commission on July 20, 2010, and as grounds therefor states:

1. On July 20, 2010, the parties filed a Joint Motion for Approval of Stipulation and Settlement Agreement in this docket. The Joint Motion seeks approval of a Stipulation and Settlement Agreement signed by the parties that will resolve all of the issues in this docket if approved by the Commission. The Stipulation and Settlement Agreement will also resolve all of the issues in the appeal currently pending in the Supreme Court of Florida styled Citizens of the State of Florida, Office of Public Counsel, et al., Appellants v. Matthew W. Carter II, etc., et al., Appellees, Case No. SC09-1723, and will enable the Commission to close Docket Nos. 080317-EI and 090368-EI. The Joint Motion seeks Commission approval at its earliest possible Agenda Conference.

2. The purposes of the Stipulation and Settlement Agreement include settlement of all issues in this docket and in the above-referenced Supreme Court of Florida appeal and avoiding the need for further expensive, time consuming litigation of the issues in hearings before the Commission and in argument before the Court. The Stipulation and Settlement

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FPSC-COMMISSION CLERK

Agreement will also provide certainty to the parties and their respective constituents and customers with respect to the outcome of this proceeding and the pending appeal.

3. The current schedule for this docket includes filing rebuttal testimony on July 30, 2010, filing pre-hearing statements on August 2, 2010 and a prehearing conference on August 16, 2010. In addition, the parties and staff have propounded various discovery requests to the company that would be due between now and the time the Commission might consider the Joint Motion and the Stipulation and Settlement Agreement.

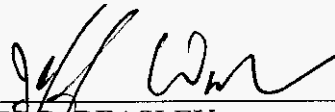
4. In light of the foregoing, to achieve the efficiencies and cost savings contemplated by the Stipulation and Settlement Agreement, Tampa Electric requests that the prehearing officer enter an order abating or suspending the discovery and other activity in this docket as described herein pending consideration of the Joint Motion and Stipulation and Settlement Agreement by the Commission. Doing so will promote the efficient and orderly resolution of this docket and the cases resolved in the Stipulation and Settlement Agreement.

5. The undersigned counsel has consulted with the attorneys for the parties in this docket and is authorized to represent that they consent to this motion.

WHEREFORE, Tampa Electric respectfully requests that the prehearing officer enter an order abating or suspending the discovery and other activity in this docket pending consideration of the Joint Motion and Stipulation and Settlement Agreement by the Commission.

DATED this 20<sup>th</sup> day of July 2010.

Respectfully submitted,



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JAMES D. BEASLEY  
J. JEFFRY WAHLEN  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, Florida 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Consented Motion to Abate, filed on behalf of Tampa Electric, has been served by hand delivery (\*) or U. S. Mail on this 20<sup>th</sup> day of July, 2010 to the following:

Mr. Keino Young\*  
Staff Attorney  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. J. R. Kelley  
Ms. Patricia A. Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Ms. Vicki Gordon Kaufman  
Mr. Jon C. Moyle, Jr.  
Keefe, Anchors, Gordon and Moyle  
118 North Gadsden Street  
Tallahassee, FL 32301

Mr. John W. McWhirter, Jr.  
McWhirter & Davidson, P.A.  
Post Office Box 3350  
Tampa, FL 33601-3350

Mr. Robert Scheffel Wright  
Mr. John T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301

Mr. Bill McCollum  
Ms. Cecilia Bradley  
Office of the Attorney General  
The Capitol – PL 01  
Tallahassee, FL 32399-1050

\_\_\_\_\_  
ATTORNEY

