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November 16, 2012

HAND DELIVERED

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

Re: Tampa Electric Company's Petition to Determine Need
for Polk 2-5 Combined Cycle Conversion
FPSC Docket No. 120234-EI

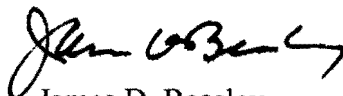
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Motion to Require DeSoto County Generating Company, LLC to Conform to Issues as Stated in the Order Establishing Procedure.

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

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cc: Pauline Robinson (w/enc.)
Scheffel Wright (w/enc.)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Tampa Electric Company's Petition)
to Determine Need for Polk 2-5 Combined)
Cycle Conversion.)
_____)

DOCKET NO. 120234-EI

FILED: November 16, 2012

**TAMPA ELECTRIC COMPANY'S MOTION
TO REQUIRE DESOTO COUNTY GENERATING
COMPANY, LLC TO CONFORM TO ISSUES AS
STATED IN THE ORDER ESTABLISHING PROCEDURE**

Tampa Electric Company ("Tampa Electric" or "the company") moves the Prehearing Officer to require DeSoto County Generating Company, LLC ("DeSoto") to conform to the issues as stated in the Order Establishing Procedure issued September 26, 2012 in this proceeding and, as grounds therefor, says:

1. On November 14, 2012, the due date for prehearing statements in this proceeding, DeSoto filed a Petition for Leave to Intervene, a Prehearing Statement and a Notice of Intent to Request Confidential Classification of certain information redacted from its intervention petition. This Motion is submitted on a contingent basis, subject to the Prehearing Officer's ruling on DeSoto's intervention petition.

2. The issues listed in the Order Establishing Procedure reflect the statutory standards prescribed by the Legislature and accepted by this Commission as being adequate for purposes of need determination proceedings.

3. The Prehearing Statements filed on behalf of the Commission's Staff and Tampa Electric on November 14 follow the numerical order and wording of the issues listed in the Order Establishing Procedure. DeSoto's Prehearing Statement mixes up the order of the issues from

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that set forth in the Order Establishing Procedure and uses different terminology which would tend to make things confusing. For example:

- DeSoto's Issue 2 addresses what Staff and Tampa Electric have addressed in Issue 3, the latter taken directly from the Order Establishing Procedure.
- DeSoto's Issue 3 addresses what Staff and Tampa Electric have addressed in Issue 4, the latter again taken from the Order Establishing Procedure.
- DeSoto's Issue 4 addresses what Staff and Tampa Electric have addressed in their Issue 2, taken from the Order Establishing Procedure, and uses a different wording of the issue.
- DeSoto's Issue 5 is a rewording of Issue 5 in the Order Establishing Procedure. The Staff and Tampa Electric have abided by the wording of this issue as stated in the Order Establishing Procedure.
- DeSoto's Issue 9 addresses what Staff and Tampa Electric have addressed in their Issue 6, taken directly from the Order Establishing Procedure.

4. In addition to the foregoing, DeSoto's Issues 6, 7 and 8 are unnecessary. They appear to be designed to tee up arguments that DeSoto could easily present in response to the issues as stated in the Order Establishing Procedure, particularly Issue 5, which asks whether Polk 2-5 is the most cost-effective alternative available.

5. In summary, DeSoto's Prehearing Statement rearranges the issues and modifies the wording of the issues set out in the Order Establishing Procedure and adds unnecessary Issues 6, 7 and 8. The issues as stated in the Order Establishing Procedure afford all parties a full opportunity to provide input on the issues in this case without confusing the issues or adding superfluous variations of those issues.

6. If allowed to intervene, DeSoto takes this case as it finds it and should adhere to the issues as stated in the Order Establishing Procedure, which Staff and Tampa Electric adhered to in preparing their Prehearing Statements.


7. Tampa Electric has contacted counsel for DeSoto and is authorized to represent that DeSoto opposes this Motion.

WHEREFORE, Tampa Electric moves the Prehearing Officer for issuance of an order requiring DeSoto:

- (a) To conform to the numerical order and wording of Issues 1 through 7 in the Order Establishing Procedure and to relocate its positions to follow the issues as renumbered and reworded; and
- (b) To delete DeSoto's Issues 6, 7, and 8 while permitting DeSoto, if it wishes, to incorporate its positions on those issues as its positions on the appropriate issue or issues as stated in the Order Establishing Procedure.

DATED this 16th day of November 2012.

Respectfully submitted,



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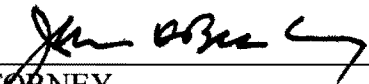
ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 16th day of November 2012 to the following:

Ms. Pauline Robinson*
Attorney, Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Robert Scheffel Wright
Mr. John T. LaVia, III
Gardner, Bist, Wiener, Wadsworth,
Bowden, Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, FL 32308



ATTORNEY