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FILE COPY

May 31, 1996

HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Prudency Review to Determine Regulatory
Treatment of Tampa Electric Company's
Polk Unit; FPSC Docket No. 960409-EI

Dear Ms. Bayo:

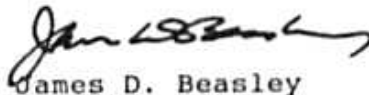
Enclosed for filing in the above docket, on behalf of Tampa Electric Company, are the original and fifteen (15) copies of each of the following:

1. Tampa Electric Company's Memorandum in Opposition to Staff's Request for In Camera Inspection of Documents.
2. Tampa Electric Company's Memorandum in Opposition to Staff's Motion for Extension of Filing Dates.

ACK Please acknowledge receipt and filing of the above by stamping
APA 3 the duplicate copy of this letter and returning same to this
AFM 1 writer.

CAJ 1 Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

EA Beasley
LD 1
LF 5 JDB/pp
CL Enclosures

cc: All Parties of Record (w/encls.)

DOCUMENT NUMBER-DATE

06038 MAY 31 1996

FPSC-RECORDS/REPORTING

DOCUMENT NUMBER-DATE

06037 MAY 31 1996

FPSC-RECORDS/REPORTING



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Prudency Review to Determine)
Regulatory Treatment of Tampa Electric)
Company's Polk Unit.)

DOCKET NO. 960409-EI

FILED: May 31, 1996

**TAMPA ELECTRIC COMPANY'S MEMORANDUM IN OPPOSITION
TO STAFF'S MOTION FOR EXTENSION OF FILING DATES**

Tampa Electric Company ("Tampa Electric" or "the company") submits this its Memorandum in Opposition to Staff's Motion for Extension of Filing Dates, and in support thereof, says:

1. This proceeding is on a schedule that all parties agreed to at a meeting conducted by the Staff on April 3, 1996. The various filing dates were carefully considered by all of the parties. Certain adjustments were made before all parties, including Staff, signed off on the present schedule.

2. Staff's Motion for Extension of Filing Dates does not set forth any basis for departing from the schedule which all parties have agreed to from the outset. The direct testimony and exhibits filed by Tampa Electric on May 7, 1996 were extensive but not beyond the scope of what one would expect in a proceeding of this nature. There has been no basis for any party to assume that the company would file anything less than what it did in support of the prudence of Polk Unit One.

3. Staff correctly points out in paragraph 3 of its Motion that the Staff does not have a substantial interest in the outcome of this proceeding. Tampa Electric does have such an interest and it is very important from the company's perspective to adhere to the schedule agreed to by the parties, including Staff, at the

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outset of this proceeding.

4. Extending the date as proposed by Staff will encroach upon Tampa Electric's ability to meaningfully engage in discovery. Discovery is currently scheduled to be completed by July 2, 1996. Many of the Tampa Electric representatives who will be involved in preparing rebuttal testimony also need to be involved in conducting discovery relative to the testimony filed by Staff and intervenors. If Staff's testimony and Tampa Electric's rebuttal testimony are delayed by an additional week, Tampa Electric's rebuttal testimony would be due the day before discovery is scheduled to be concluded. This would deny Tampa Electric a meaningful opportunity to focus all of its resources on completing any discovery it may need to conduct. Staff and Public Counsel have already engaged in extensive discovery in this docket. Tampa Electric's ability to conduct discovery subsequent to the filing of intervenor and Staff testimony is already very limited and should not be reduced any further.


5. Finally, Staff mentions its pending motion for an in camera inspection of certain documents which Tampa Electric has claimed are privileged attorney/client communications. Tampa Electric is simultaneously submitting a memorandum in opposition to that motion. The pendency of that motion does not warrant an extension of time for Staff to file its testimony in this proceeding. The attorney/client communications at issue represent only a small part of a large body of documents, most of which have already been provided to the Staff. Although privileged, the

documents in question are largely cumulative to the material already provided to Staff. Staff's reference to its pending motion for an in camera inspection appears to be a red herring as opposed to a legitimate reason to delay testimony.

WHEREFORE, Tampa Electric respectfully urges that the Commission will adhere to the testimony filing schedule agreed to by all parties on April 3, 1996 and deny Staff's motion to extend that schedule.

DATED this 31st day of May, 1996.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Memorandum in Opposition to Staff's Motion for Extension of Filing Dates, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 31st day of May, 1996 to the following:

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