

ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Generic investigation into the
aggregate electric utility reserve margin
planned for Peninsular Florida

Docket No. 981890-EU

SUPPLEMENTAL MOTION FOR ORDER TO COMPEL DISCOVERY

Intervenor, Legal Environmental Assistance Foundation, ("LEAF"), files this Motion to Compel Responses to LEAF's Interrogatories (Numbers 1 - 14) by Tampa Electric Company ("TECO") despite the Supplement to Tampa Electric Company's Objection to LEAF's to Tampa Electric Company (Nos. 1-14) ("TECO's Supplemental Objection") and as grounds therefore states:

1. TECO's Supplemental Objection was not timely filed. Order No. PSC-99-0760-PCO-EU directs parties to file objections to interrogatories within ten days of service. On August 25, 1999, LEAF served (by hand delivery) TECO with LEAF's First Set of Interrogatories (Nos. 1-14). TECO's Supplemental Objection was filed on September 15, 1999 (and served LEAF by U.S. mail).

2. TECO's supplemental objection should be rejected even if it were deemed timely. The Commission has ruled that LEAF is a party to this formal evidentiary proceeding and that all parties may participate in identifying issues, conducting discovery, and presenting testimony, exhibits, and post-hearing filings. (Order Nos. PSC-99-0839-PCO-EU; PSC-99-0760-PCO-EU; PSC-991215-PCO-EU; PSC-99-1274-

AFA 2 PCO-EU; and PSC-99-1716-PCO-EU). TECO's supplemental objection suggests that
APP _____
CAF _____ the Commission lacks authority to allow such participation. The Commission has ruled
CMU _____
CTR _____ that its jurisdiction is not so sparse.

~~EAG~~ 1 3. LEAF has contacted counsel for TECO and states that TECO would adhere
LEG 1
MAS 5 to the position stated in its supplemental objection.
OPC _____
PAI 2

SEC 1 WHEREFORE, LEAF moves that the Commission issue an order directing TECO
WAW _____
OTH _____

DOCUMENT NUMBER-DATE

11278 SEP 20 99

psc-981890-APPORTING

to answer LEAF's Interrogatories (Numbers 1 - 14).

Respectfully submitted,

Debra Swim

DEBRA SWIM

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and ten true copies of the foregoing Supplemental Motion for Order to Compel Discovery were hand delivered to the Florida Public Service Commission, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0950, and that a true copies was sent by U.S. mail, or hand delivered (when indicated by*) this 13th day of September, 1999 to:

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