

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of experimental Rider FTA-2 (Firm Transportation Aggregation Service 2) and modifications to imbalance cashout provisions of Rider FTA program, by Tampa Electric Company d/b/a Peoples Gas System.

DOCKET NO. 990935-GU

FILED: December 17, 1999

MOTION FOR CONTINUANCE OF HEARING

Pursuant to Rule 28-106.204, Florida Administrative Code, the Staff of the Florida Public Service Commission (Staff) hereby requests a continuance of the hearing in this docket currently scheduled for January 14, 2000.

1. On July 19, 1999, Tampa Electric Company d/b/a/ Peoples Gas System ("Peoples Gas") filed a petition for approval of an experimental Firm Transportation Aggregation 2 ("FTA-2") Rider. The petition, as amended on August 18, 1999, was set for a full evidentiary hearing by Order No. PSC-99-2122-PCO-GU, issued October 25, 1999. This hearing is currently scheduled for January 14, 2000.

2. In setting this petition for hearing, the Commission expressed its concern over allegations that Peoples Gas' marketing affiliate, TECO Gas Services, had already effectively gained control of the market for transportation service by soliciting and reaching agreements with new gas customers along the route of

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FLORIDA PUBLIC SERVICE COMMISSION

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Peoples Gas' new pipeline extension in southwest Florida, prior to approval of the proposed Rider FTA-2. Order No. PSC-99-2122-PCO-GU, at 3. The Commission noted that if these allegations prove true, customers seeking transportation service under Rider FTA-2 may have a limited choice of marketers and suppliers and may see few competitive offers for gas supply. Id.

3. Since the issuance of Order No. PSC-99-2122-PCO-GU, Staff has received additional allegations along the same lines as those that were cause for the Commission's concern. More importantly, Staff has recently received information that appears to support these allegations. This information should be developed prior to hearing to ensure that the most complete record is available for the Commission's consideration of the issues set forth in Order No. PSC-99-2122-PCO-GU.

4. Under the current hearing schedule, Staff does not have adequate time to develop this information through the normal discovery process. The discovery deadline in this docket is January 7, 2000. Staff will be unable to compel responses to interrogatories or document requests within this time frame. Further, Staff anticipates that it will have difficulty achieving expedited discovery or scheduling depositions as a result of conflicting holiday schedules between now and the discovery deadline.

5. Staff believes, based on its experience gathering information for hearing in this docket, information gleaned through discovery may require follow-up through additional discovery or other means. Staff will be unable to complete any necessary follow-up under the current schedule.

6. Depending on how this information can be developed, Staff believes it may be appropriate to file Staff testimony in this docket. Under the current schedule, Staff will not have that opportunity. If a continuance is granted, an appropriate testimony filing schedule should be established to allow the opportunity for any staff testimony and associated rebuttal testimony to be filed.

7. A continuance of 45 to 60 days should provide Staff adequate time to develop for hearing any information necessary to provide the most complete record for the Commission's consideration.

8. In Order No. PSC-99-2122-PCO-GU, the Commission chose to take no action on the proposed Rider FTA-2, thus allowing it to become effective by operation of law in October 1999. Because the tariff is already in effect, Peoples Gas should not be prejudiced by the requested continuance.

9. Pursuant to Rule 28-106.204(3), Florida Administrative Code, Staff counsel has conferred with counsel for Peoples Gas


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concerning this motion. Peoples Gas opposes the requested continuance.

10. Given the short time between the date of this filing and the upcoming holidays, Staff requests that this motion be considered on an expedited basis. An expedited ruling prior to the upcoming holidays will assist Staff and the parties in determining what hearing preparations to make over the next three weeks.

WHEREFORE, the Staff of the Florida Public Service Commission, pursuant to Rule 28-106.204, Florida Administrative Code, requests a 45 to 60 day continuance of the hearing currently scheduled for January 14, 2000, in this docket.

Respectfully submitted this 17th day of December, 1999.



WM. COCHRAN KEATING, IV
Staff Counsel
FL Bar No. 0064017

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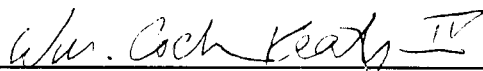
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Staff's Motion for Continuance has been furnished by U.S. Mail to Ansley Watson, Jr., Esquire, MacFarlane, Ferguson Law Firm, P. O. Box 1531, 111 Madison Street, #2300, Tampa, Florida 33601, on behalf of Peoples Gas System, and Peoples Gas System, Ms. Angela Llewellyn, P. O. Box 111, Tampa, Florida 33601-0111, this 17th day of December, 1999.


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