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IN REPLY REFER TO

November 13, 2002

Ansley Watson, Jr.  
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VIA FEDERAL EXPRESS

Blanca S. Bayo, Director  
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Florida Public Service Commission  
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Re: Docket No. 020384-GU -- Application for a rate increase by Tampa Electric Company d/b/a PEOPLES GAS SYSTEM

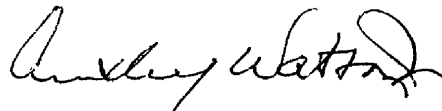
Dear Ms. Bayo:

Enclosed for filing in the above docket on behalf of Peoples Gas System, please find the original and 20 copies of its Motion to Strike Rebuttal Testimony of Mark A. Cicchetti or, in the Alternative, for Leave to File Surrebuttal Testimony.

Please acknowledge your receipt and the date of filing of the enclosures on the duplicate copy of this letter, and return the same to me in the enclosed preaddressed envelope.

Thank you for your assistance.

Sincerely,



ANSLEY WATSON, JR.

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12468 NOV 14 02

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Blanca S. Bayo, Director  
November 13, 2002  
Page 2

cc: Parties of Record  
Ms. Angela Llewellyn  
Matthew R. Costa, Esquire

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Application for a rate increase by :  
Tampa Electric Company d/b/a Peoples :  
Gas System. :

Docket No. 020384-GU

Submitted for Filing:  
11-14-02

**PEOPLES' MOTION TO STRIKE REBUTTAL  
TESTIMONY OF MARK A. CICCETTI OR, IN THE  
ALTERNATIVE, FOR LEAVE TO FILE SURREBUTTAL TESTIMONY**

Peoples Gas System ("Peoples"), by its undersigned attorneys, respectfully moves the Commission for entry of an order either (1) striking the Rebuttal Testimony of Mark A. Cicchetti filed on behalf of the Florida Citizens in this docket on November 12, 2002 (hereinafter "Mr. Cicchetti's Rebuttal Testimony"), or (2) granting Peoples leave to file surrebuttal to Mr. Cicchetti's Rebuttal Testimony. In support of its motion, Peoples states:

1. Peoples filed its petition in this docket on June 27, 2002 and, at the same time, the direct testimony of its witnesses as required by the Commission's rules. Such direct testimony included that of Dr. Roger A. Morin on Peoples' cost of common equity capital.

2. Both the Case Assignment and Scheduling Record ("CASR") issued by the Commission called for the filing of Intervenors' direct testimony on October 14, 2002 (which date was extended by agreement of the parties to October 21, 2002), the filing of Staff's direct testimony on October 28, 2002, and the filing of rebuttal testimony on November 12, 2002. No other dates for the filing of testimony were provided in the CASR.

3. On November 12, 2002, Peoples received via facsimile -- with a certificate of service dated the same date -- Mr. Cicchetti's Rebuttal Testimony. It is directed to the direct testimony of Dr. Morin filed approximately four and one-half months earlier, on June

DOCUMENT NUMBER-DATE

12468 NOV 14 02

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27, 2002.

4. Peoples submits that there is no provision in the Commission's rules, or in prior practices and policies of the Commission in electric or natural gas rate cases, which authorizes the Florida Citizens to file Mr. Cicchetti's Rebuttal Testimony. The matters covered in such rebuttal could have, and should have, been covered in Mr. Cicchetti's direct testimony filed on October 21. Mr. Cicchetti's Rebuttal Testimony was filed after the date established for the filing of Intervenors' testimony, and should therefore be stricken.

5. If the Commission should elect not to strike Mr. Cicchetti's Rebuttal Testimony, Peoples must be afforded the opportunity to file surrebuttal testimony to Mr. Cicchetti's Rebuttal Testimony, and to have such testimony admitted for consideration by the Commission in this proceeding. The concept of fairness alone leads to this conclusion. Peoples, as the party with the burden of proof on its petition, also has the burden of proceeding first with evidence which establishes a prima facie case for the relief sought in the petition. Peoples submits it met that burden in part through the submission of Dr. Morin's direct testimony. The burden then shifted to Staff and Intervenors to rebut, through the presentation of evidence, Peoples' prima facie case. October 14 was established as the date by which Intervenors were to meet their burden and, by agreement of the parties, Mr. Cicchetti was given until October 21 to file his testimony. While Peoples has had an opportunity to file rebuttal to the testimony submitted by Mr. Cicchetti on October 21, it must have an opportunity to respond, through its expert (Dr. Morin), to Mr. Cicchetti's Rebuttal Testimony.

6. Peoples should be given a reasonable time within which to have its expert

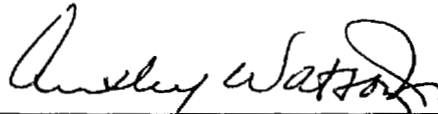
consider and prepare surrebuttal to Mr. Cicchetti's Rebuttal Testimony, and respectfully requests that it be given until December 6, 2002 within which to file such surrebuttal.

7. Peoples has been authorized to state that neither counsel for the Commission Staff nor counsel for any other party of record opposes the entry of an order permitting Peoples to file surrebuttal to Mr. Cicchetti's Rebuttal Testimony.

WHEREFORE, Peoples requests that Mr. Cicchetti's Rebuttal Testimony be stricken or, in the alternative, that it be given until December 6, 2002 within which to file surrebuttal to Mr. Cicchetti's Rebuttal Testimony.

Dated this 13th day of November, 2002.

Respectfully submitted,



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and

MATTHEW R. COSTA  
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TECO Energy, Inc.  
P. O. Box 111  
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Attorneys for Peoples Gas System

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion has been furnished by hand delivery\* or Federal Express\*\* to the following, this 13th day of November, 2002:

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\_\_\_\_\_  
Ansley Watson, Jr.