

JAMES E. "JIM" KING, JR.  
PRESIDENT



Charles J. Beck  
Interim  
Public Counsel

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE  
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JOHNNIE BYRD  
SPEAKER



September 30, 2003

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

RE: Docket No. 030001-EI

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of Citizens' Motion in Opposition to Tampa Electric's Motion for Leave to File Supplemental Testimony and Exhibit.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Vandiver".

Robert Vandiver  
Associate Public Counsel

RV/pwd  
Enclosures

DOCUMENT NUMBER-DATE

09383 SEP 30 8

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power        )  
Cost Recovery Clause with                )  
Generating Performance Incentive        )  
Factor.                                        )  
\_\_\_\_\_)

Docket No. 30001- EI  
Filed September 30, 2003

**CITIZENS' MOTION IN OPPOSITION TO TAMPA ELECTRIC'S MOTION  
FOR LEAVE TO FILE SUPPLEMENTAL TESTIMONY AND EXHIBIT**

1. The Citizens of the State of Florida, pursuant to Rule 28-106.204, hereby files this Motion in Opposition to Tampa Electric's Motion for Leave to File Supplemental Testimony and Exhibit filed September 25, 2003.
2. Citizens initially expressed no opposition to Tampa Electric's motion in a telephone conversation, but upon further reflection believes that the public interest would best be served by a delay of the request for proposals issue.
3. The current schedule for the award of the transportation contract was filed with the testimony of Joann Wehle and appears as Attachment 1. This timetable contemplates execution of the new contract on November 3, 2003, only five working days prior to the fuel hearing. However, in the supplemental testimony, Ms. Wehle indicates that negotiations will be complete by early October, Supplemental Testimony at page 13.
4. Tampa Electric's supplemental testimony runs thirty-nine pages with a seventy-eight page exhibit and addresses a number of substantive topics. Mr. Dibner's testimony addresses the waterborne transportation services. Mr. Dibner then subdivides the waterborne services into three distinct segments: the inland river movement, the terminal services section and the ocean segment of the transportation. For the inland river leg, Mr. Dibner posits a model using 25 locations on three rivers, with variable, fixed and fuel costs. Mr. Dibner's Supplemental Testimony at page 9 goes on to describe a myriad of variables which affect these costs. The ocean piece of the transportation movement also involves a model to establish market rates. Again fixed and variable components are included in the rate, with fuel escalated separately, Supplemental Testimony at page 19. This model looked at international shipping opportunities for carriers and modeled two movements, one from Louisiana and one from Texas. Ms. Wehle's supplemental testimony, pages 2-10, describes the process whereby Tampa Electric elected to reject the rail transportation bids. This testimony provides an analysis of the total costs involved in rejecting the rail bids. Infrastructure costs were estimated at 27 to 53 million. In addition, \$2 to \$6 a ton

additional trucking costs at various locations at the mine mouth. Supplemental Testimony page 7. This is hardly corrected or revised testimony that is routinely allowed by the Commission.

5. Citizens believe that inadequate time exists for meaningful study and discovery by the parties and the Commission upon these complex and important issues. Intervenor testimony is current due October 2, 2003. The fuel hearing is set for November 12-14, 2003. Given the normal full set of issues in that docket, and the other dockets heard in conjunction with the fuel docket involving similar parties (030002-EG, 030007-EI), support Citizens allegations of inadequate time. Moreover, an extension of time to file testimony would not cure such inadequacy given the complexities noted above and the need for discovery. Citizens may need to procure expert assistance to evaluate the unfamiliar models presented by Tampa Electric. The Citizens therefore believe that it is appropriate to defer consideration of Issue 17E: Is Tampa Electric's June 27, 2003, request for proposal sufficient to determine the current market price for coal transportation? Such an issue should be considered in a separate proceeding in 2004 or in the next fuel adjustment proceeding as the Commission deems appropriate.
6. It is Citizens understanding that Tampa Electric has requested a Commission determination on this issue at the November hearing. The Citizens believe that only through a deferral of such issue until 2004, as outlined above, can the due process rights of all parties be preserved. The Commission should deny the motion of Tampa Electric Company to file supplemental testimony in this docket.
7. The brief and incomplete recitation of testimony in 4, above clearly shows that adequate time does not exist for the parties to go to hearing on the many issues raised in the testimony filed September 25, 2003.

RESPECTFULLY SUBMITTED



Robert Vandiver  
Associate Public Counsel  
Fla. Bar No. 344052

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c/o The Florida Legislature  
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(850) 488-9330

Attorney for the Citizens  
Of the State of Florida

**CERTIFICATE OF SERVICE  
DOCKET NO. 030001-EI**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Citizens' Motion in Opposition to Tampa Electric's Motion for Leave to File Supplemental Testimony and Exhibit has been furnished by U.S. Mail or \*hand delivery to the following parties on this 30th day of September, 2003.

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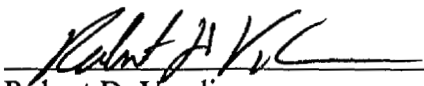
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Robert D. Vandiver  
Associate Public Counsel

EXH. IT NO. \_\_\_\_\_  
TAMPA ELECTRIC COMPANY  
DOCKET NO. 030001-EI  
(JTW-2)  
DOCUMENT NO. 2  
PAGE 1 OF 1  
FILED: 9/12/03

### Updated Transportation Services Solicitation Schedule

Step	Tasks to Establish Transportation Contract	Estimated Completion Date
1.	Complete evaluation of proposals	Week of September 22
2.	Notify transportation provider that submitted the winning proposal and begin contract negotiations	Week of September 22
3.	Complete transportation contract negotiations	Week of October 24
4.	Execute new transportation contract	Week of November 3
5.	Notify unsuccessful bidders that contract has been awarded	Week of November 3