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October 1, 2003

**VIA HAND DELIVERY**

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

Re: Docket No.: 030001-EI

Dear Ms. Bayo:

On behalf of the Florida Industrial Power Users Group (FIPUG), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ The Florida Industrial Power Users Group's Response to Tampa Electric Company's Motion to Alter Schedule.

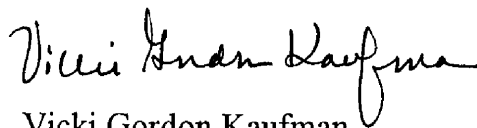
Please acknowledge receipt of the above on the extra copy and return the stamped copy to me. Thank you for your assistance.

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FPSC-BUREAU OF RECORDS

Sincerely,



Vicki Gordon Kaufman

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CTR \_\_\_\_\_ Enclosure  
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DOCUMENT NUMBER-DATE

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A. 09483 OCT-18

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power  
cost recovery clause and generating  
performance incentive factor.

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Docket No. 030001-EI  
Filed: October 1, 2003

**The Florida Industrial Power Users Group's Response to  
Tampa Electric Company's Motion to Alter Schedule**

The Florida Industrial Power Users Group (FIPUG), pursuant to rule 28-106.204, Florida Administrative Code, files its response to Tampa Electric Company's (TECo) Motion to Alter Schedule to Accommodate Concerns of Intervenors. TECo's eleventh hour suggestion that intervenors be given a slight extension of time to respond to TECo's extensive supplemental filing will not remedy the problem at hand.

1. On September 25, 2003, TECo filed extensive testimony of two witnesses, Ms. Wehle and Mr. Dibner, describing the request for proposal (RFP) process and witness Dibner's complicated calculations of alleged market-based rates for water transportation. Mr. Dibner provides his analyses and evaluations of the waterborne transportation bids received, devises market rates and makes recommendations as to how TECo should fulfill its transportation needs. Ms. Wehle discusses the rail bids received and why TECo rejected all rail bids.

2. On September 29, 2003, FIPUG filed its objections to this extensive and complicated "supplemental" testimony and requested that the Commission not permit such testimony and defer any consideration of issues surrounding TECo's RFP to the next fuel adjustment hearing or to a separate docket. FIPUG was careful to point out in its initial objections that "... even an extension of the due date for intervenor testimony, at this late point in the case, would not remedy the due process problem." Nonetheless, TECo attempts to

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"remedy" FIPUG's objection by requesting that intervenors' testimony<sup>1</sup> be due on October 16<sup>th</sup>; of course, TECo would give itself a corresponding extension.

3. However, this slight extension can not remedy the inability of intervenors to conduct meaningful discovery and prepare testimony and analysis in regard to testimony filed on September 25<sup>th</sup>, with a hearing scheduled for November 12<sup>th</sup>.

4. Nor is there any need to indulge TECo's unnecessary rush to judgment. According to TECo's own testimony, the contract at issue will not even be executed (if the schedule remains in tact) until November 3<sup>2</sup>, a week before the hearing. Thus, parties will have no way to know the actual results of the RFP, even if a slight extension for testimony is granted. Further, TECo has already informed the Commission that it intends to use the current contract costs for recovery purposes in 2004.<sup>3</sup>

5. The only reason to rush to decide this issue is so that parties will not have sufficient time to investigate the RFP and the analysis related to it. The Commission should allow deliberate and reasoned evaluation of the process TECo used and that cannot happen in one week; it cannot happen in three weeks.

6. As FIPUG noted in its original objection to TECo's supplemental testimony, the timing of the TECo RFP, and all activities connected with it, have been solely and totally in TECo's control. It would be patently unreasonable to force the parties to attempt to evaluate a process that took TECo months to complete in a mere three weeks.

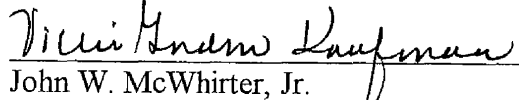
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<sup>1</sup> It is interesting that TECo has taken it upon itself to file a motion on intervenors' behalf.

<sup>2</sup> JTW-2, Document 2.

<sup>3</sup> Wehle testimony, filed September 15, 2003, p. 21.

**WHEREFORE**, the Commission should defer any consideration of issues surrounding TECo's RFP to the next fuel adjustment hearing or to a separate docket.

  
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Attorneys for the Florida Industrial  
Power Users Group

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing The Florida Industrial Power Users Group's Response to Tampa Electric Company's Motion to Alter Schedule has been furnished by (\*) hand delivery, or U.S. Mail this 1<sup>st</sup> day of October, 2003, to the following:

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