

JAMES E. "JIM" KING, JR.

PRESIDENT



Charles J. Beck  
Interim  
Public Counsel

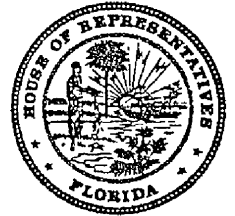
STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE  
111 WEST MADISON ST.  
ROOM 812  
TALLAHASSEE, FLORIDA 32399-1400  
850-488-9330

October 30, 2003

JOHNNIE BYRD

SPEAKER



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 Public Counsel's Amended Prehearing Statement, Issue 13E, together with a diskette containing the electronic version. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the document appears is Word 2000

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

10754 OCT 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. 030001-EI

Filed: October 30, 2003

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**AMENDED PREHEARING STATEMENT OF THE  
OFFICE OF PUBLIC COUNSEL**

Office of Public Counsel hereby submits revised position on issue 13E as follows:

**ISSUE 13E:** Should the Commission modify or eliminate the method for calculating Progress Energy Florida's market price proxy for waterborne coal transportation that was established by Order No. PSC-93-1331-FOF-EI, issued September 13, 1993, in Docket No. 930001-EI?

**OPC POSITION:** Yes. The Commission should discontinue use of the current PEF's market price proxy effective December 31, 2002. For 2003 and 2004, the Commission should order cost recovery for Progress Energy Florida coal transport consistent with the amounts determined through the staff audit as described in testimony of staff witness McNulty, Page 10 Lines 17-23. During 2004, the Commission should reexamine the terms and conditions of the market price proxy.

In addition Office of Public Counsel's basic position should be amended as follows:

**OPC POSITION:** Tampa Electric's decision to close the Gannon units early was an economic decision that benefits the company with O&M savings while customers are forced to pay higher fuel costs. The Commission should reduce fuel clause recovery from customers in order to share the advantages gained by the company with its customers.

The Commission should set aside and reexamine the existing water transportation benchmarks for Tampa Electric Company. PEF's current market price should be discontinued effective December 31, 2002. For 2003 and 2004, coal transportation rates should be reset consistent with the staff audit per witness McNulty testimony, Page 10 Lines 17-23. The Progress Energy Florida market price proxy should be reexamined in 2004.

Dated this 30<sup>th</sup> day of October, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Vandiver", with a long horizontal flourish extending to the right.

ROBERT VANDIVER  
FLA. BAR NO. 334052  
ASSOCIATE PUBLIC COUNSEL  
OFFICE OF PUBLIC COUNSEL  
c/o THE FLORIDA LEGISLATURE  
111 WEST MADISON ST, RM. 812  
TALLAHASSEE, FL 32399-1400  
(850) 488-9330

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 30th day of October, 2003, to the following:

James Beasley  
Lee Willis  
Ausley Law Firm  
Post Office Box 391  
Tallahassee, FL 32302

John McWhirter, Jr  
McWhirter Reeves Law Firm  
400 North Tampa Street, Suite 2450  
Tampa, FL 33602

Bill Walker  
Florida Power & Light  
215 South Monroe Street, Ste 818  
Tallahassee, FL 32301-1859

R. Wade Litchfield  
Florida Power & Light  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

James A. Mcgee  
Florida Power Corporation  
Post Office Box 14042  
St. Petersburg, FL 33733-4042

George Bachman  
Florida Public Utilities Company  
Post Office Box 3395  
West Palm Beach, FL 33402-3395

Susan D. Ritenour  
Richard McMillan  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

Joseph McGlothlin  
Vicki Kaufman  
McWhirter Law Firm  
117 S. Gadsden Street  
Tallahassee, FL 32301

Norman H. Horton, Jr.  
Messer Law Firm  
Post Office Box 1876  
Tallahassee, FL 32302-1876

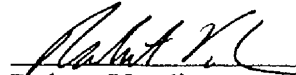
John T Butler, P.A.  
Steel Law Firm  
200 S. Biscayne Blvd. Ste. 4000  
Miami, FL 33131-2398

Angela Llewellyn  
Tampa Electric Company  
Post Office Box 111  
Tampa, FL 33601-0111

Jeffrey Stone/Russell Badders  
Beggs & Lane Law Firm  
P.O. Box 12950  
Pensacola, FL 32591-2950

Cochran Keating  
Division of Legal Services  
Florida Public Service Commission  
2450 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Ronald C. LaFace  
Greenberg Traurig  
P.O. Box 1838  
Tallahassee, FL 32302

  
\_\_\_\_\_  
Robert Vandiver  
Associate Public Counsel  
Room 812, 111 W. Madison Street  
Tallahassee, Florida, 32399-1400