

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's
waterborne transportation contract with
TECO Transport and associated benchmark

031033 14
Docket No. 030033-E1
Filed December 22, 2003

NOTICE OF JOINDER IN MOTION

Pursuant to Rule 28-106.204, Florida Administrative Code, Catherine L. Claypool, Helen Fisher, William Page, Edward A. Wilson, Sue E. Strohm, Mary Jane Williamson, Betty J. Wise, Carlos Lissabet, and Lesly A. Diaz (the "residential electric customers"), through their undersigned attorney, file their Notice of Joinder in Motion, stating their joinder in, and adopt of, the Joint Motion to Establish Appropriate Hearing Schedule filed jointly December 22, 2003 by the Citizens of the State of Florida and the Florida Industrial Power Users Group, and in support thereof, state as follows:

1. By their Joint Motion to Establish Appropriate Hearing Schedule filed jointly December 22, 2003, the Citizens of the State of Florida ("Citizens") and the Florida Industrial Power Users Group ("FIPUG") seek to have the full Commission reinstate the original, and substantially more reasonable, dates for the evidentiary hearing in this case of May 26 and 27, 2004, in lieu of the currently scheduled dates of April 13 and 14, 2004, which change was described to the undersigned by the chief advisor to one Commissioner as being necessitated only by the travel plans of that Commissioner.

2. The residential electric customers were previously granted party status in Docket No. 030001-EI by Order No. PSC-03-1154-PCO-EI, issued on October 17, 2004 and consider themselves necessarily parties to this “spin-off” docket to which certain pending TECO issues were deferred. Notwithstanding the belief that they are, or should be, automatically parties to the above-styled docket, the residential electric customers are filing a renewed request for intervention in this docket simultaneously with this Notice of Joinder.

3. The residential electric customers adopt the Joint Motion of the Citizens and FIPUG, including all the reasoning stated therein, but specifically the assertion that shortening the time for preparation in this complex case is highly prejudicial to their ability to prepare for hearing.

4. As early as November 14, 2003, the final day of the November fuel adjustment hearings, the May hearing dates were announced to the parties publicly. On that date, Chairman Jaber said the following beginning on Page 1182 of the transcript:

CHAIRMAN JABER: Commissioner Bradley, just to help you out if you want to renew your motion, what I would envision is that the proceedings could have two different dockets. In fact, the TECO docket has already been opened and it has already received a hearing date. I don't know if it changes or not, but the hearing date is currently May 26th and May 27th.

(Emphasis supplied.) Customer parties were on notice that they would have this amount of time to obtain witnesses, conduct discovery and prepare their testimony and the time should not arbitrarily be shortened. In fact, since it is established that TECO, by its own admission, is currently charging the

customers more than it would propose under its new contract, it should not be heard to complain that it is prejudiced by the maintenance of the May 26 and 27, 2004 hearing dates. Rather, if a change of dates is required to move the hearing from the May dates to accommodate the travel plans or calendar of a single Commissioner, then the hearings should be moved to June so as to not prejudice any party.

WHEREFORE, Catherine L. Claypool, Helen Fisher, William Page, Edward A. Wilson, Sue E. Strohm, Mary Jane Williamson, Betty J. Wise, Carlos Lissabet, and Lesly A. Diaz give notice of their joinder in the Joint Motion to Establish Appropriate Hearing Schedule filed jointly December 22, 2003 by the Citizens of the State of Florida and the Florida Industrial Power Users Group and request that the evidentiary hearings in this docket be rescheduled to the original dates of May 26 and 27, or June, or later, if the May dates are inconvenient to the Commission.

Respectfully submitted,

/s/ Michael B. Twomey
Michael B. Twomey
Attorney for Petitioner Residential
Customers of Tampa Electric Company
Post Office Box 5256
Tallahassee, Florida 32314-5256
Telephone: 850-421-9530

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this petition has been served by U.S. Mail or email this 22nd day of December, 2003 on the following:

Wm. Cochran Keating, Esq.
Senior Attorney
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Robert Vandiver, Esq.
Associate Public Counsel
Office of Public Counsel
111 West Madison Street, Rm.812
Tallahassee, Florida 32399-1400

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman
McWhirter, Reeves
117 South Gadsden Street
Tallahassee, Florida 32301

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302

Robert Scheffel Wright, Esq.
Landers and Parsons
Post Office Box 271
Tallahassee, Florida 32302

/s/ Michael B. Twomey
Attorney