

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's) **Docket No. 031033-EI**
waterborne transportation contract with)
TECO Transport and associated benchmark)
_____) **Filed February 25, 2004**

**RESIDENTIAL ELECTRIC CUSTOMERS' MOTION TO MAKE
FINAL HEARING CONVENIENT FOR CUSTOMERS AND
CONSOLIDATE HEARING WITH PROGRESS ENERGY HEARING**

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"), by and through their undersigned attorney, move the Florida Public Service Commission ("Commission") to relocate the final hearing currently scheduled in this docket to be held in Tallahassee to Tampa for the benefit of Tampa Electric Company's (TECO) customers and also consolidate the final hearing with the comparable hearing being held for Progress Energy for purposes of administrative and economic efficiency. In support of this motion, the Residential Electric Customers state:

1. The final hearing in this docket is currently scheduled to be heard in Tallahassee on May 27-28, 2004. TECO has 575,000 customers, all of whom are located in its service territory, which generally surrounds the City of Tampa. TECO customers wishing to attend the final hearing in this docket, which potentially could impact tens of millions of dollars of their annual rates, would have to drive nine to twelve hours round-trip, as well as incur lodging expenses to do so. This Commission routinely holds water and wastewater hearings in the affected utility's service territory so that interested customers may attend the hearings. In those

cases, the Commission consciously subordinates its own convenience and that of the lawyers and witnesses to the benefit of the rate paying customers. The Commission should do the same in this docket, especially when the matter at hand is controversial and affects such a large number of customers.

2. The Commission should also consolidate the hearing in this docket with the final hearing in Docket No. 031057, which involves a highly comparable issue of waterborne coal transportation rates for Progress Energy. Then-Chairman Jaber, when initially announcing the scheduling of both hearings, had suggested that the two hearings should be held consecutively since they involved similar issues and because to do so would result in economic efficiencies because it was highly likely that the customer parties would use the same expert witnesses in both cases and savings would clearly result from the witnesses only having to travel once.

3. Progress Energy, which has a substantially larger customer base centered on St. Petersburg, has a final hearing in its waterborne coal transportation case currently scheduled for June 10, 2004 in Tallahassee. Presumably Progress Energy's customers would benefit from the convenience of attending a "local" hearing in their docket if they wished to attend and observe the hearing. Such a hearing might logically be scheduled for St. Petersburg, site of the utility's state corporate headquarters.

4. If the TECO hearing are consolidated with the Progress Energy hearing, for the purposes of administrative and economic efficiency, it would appear reasonable to schedule the consecutive hearings at, or after, the latest of the two currently scheduled hearings, which is now June 10, 2004 for Progress Energy.

5. Counsel for the Residential Electric Customers has contacted the other parties to this docket with respect to this motion: Public Counsel supports the relocation of the hearing to the TECO service area and does not oppose the consolidation with the Progress Energy hearing, while FIPUG and CSX each do not oppose either the hearing location move or the hearing consolidation. Counsel for TECO responded that they oppose both the hearing location change and hearing consolidation or any change that would further delay the hearing in this docket.

WHEREFORE, the Residential Electric Customers respectfully request that the Florida Public Service Commission move the location of the final hearing in this docket to Tampa, Florida for the convenience of Movants, and all TECO customers, in attending the hearing if they so wish, and consolidate the final hearing in this docket with the similar hearing to be held for Progress Energy so as to minimize the travel and other expenses of customer party witnesses participating in both dockets.

Respectfully submitted,

/s/ Michael B. Twomey
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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of this motion has been served by U.S. Mail and email this 25th day of February, 2004 on the following:

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