

AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

March 2, 2004

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Review of Tampa Electric Company's waterborne transportation contract with
TECO Transport and associated benchmark; FPSC Docket No. 031033-EI

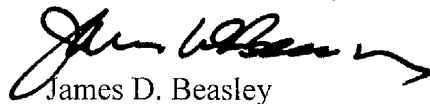
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Memorandum in Opposition to Residential Electric Customers' Motion to Relocate and Reschedule Hearing.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/pp
Enclosure

cc: All parties of record (w/enc.)

DOCUMENT NUMBER-DATE

03090 MAR-2 3

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's)
Waterborne transportation contract with) DOCKET NO. 031033-EI
TECO Transport and associated benchmark.) FILED: March 2, 2004
_____)

**TAMPA ELECTRIC COMPANY'S MEMORANDUM
IN OPPOSITION TO RESIDENTIAL ELECTRIC CUSTOMERS'
MOTION TO RELOCATE AND RESCHEDULE HEARING**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 28-106.204, Florida Administrative Code, responds as follows in opposition to the Motion filed by Michael B. Twomey on behalf of certain identified residential customers seeking to relocate and reschedule the hearing in this proceeding and, says:

1. The issues identified for consideration in this proceeding are a subset of the significant array of issues routinely heard by the Commission as part of the fuel and purchased power cost recovery proceedings conducted annually in the Commission's hearing facilities in Tallahassee. These issues were set for hearing in Tallahassee in November of 2003, but were "spun off" at the request of certain parties who wanted additional time to prepare for hearing. The concerns of those parties have been accommodated and these issues are set for hearing on May 27 and 28, 2004, in Tallahassee.

2. It would appear that the interests of all parties to this proceeding would be best served by proceeding to hearing as scheduled in Tallahassee. The Commission, its Staff and legal representatives of all of the parties to this proceeding reside in the Tallahassee area. The Commission, for many years, has conducted its fuel and purchased power cost recovery proceedings in the Commission's hearing rooms in Tallahassee. The process has worked

efficiently and all who have had cause to be heard have been afforded abundant opportunities to participate. Participation has been accommodated via telephone conferencing, eliminating the commute time and expense cited by the nine residential customers.

3. The Office of Public Counsel, which represents the Citizens of the state of Florida including all residential ratepayers, is headquartered in Tallahassee as are counsel for the other intervenors. Many thousands of pages of discovery have been served and are maintained in Tallahassee by the Staff and the various intervenors. Virtually all of the operational data, Commission audit information and potential record evidence reside in Tallahassee.

4. All of the Commission's court reporters and the Office of the Commission Clerk, which maintains the official record of this docket, are located in Tallahassee, as are the Commission hearing facilities and sound system which, from time to time, has been used to accommodate direct participation by those who prefer not to participate in person.

5. Tampa Electric firmly believes that the parties through their respective counsel in this proceeding would be more effectively and efficiently represented in a hearing conducted in the normal manner at the Commission's hearing facilities in Tallahassee. The Commission has facilities in Tallahassee well suited for the conduct of public hearings. The parties are well accustomed to the hearing facilities and the conduct of fuel and purchased power cost recovery hearings in Tallahassee is the accepted norm.

6. With respect to the issue of whether this proceeding should be consolidated with the hearings in the Progress Energy docket, Docket No. 031057-EI, the two hearings will be conducted contemporaneously, although not on the same dates. This will accommodate getting both cases resolved in a timely and contemporaneous manner without compromising proprietary

confidential business information to the detriment of competitors in the waterborne coal transportation industry.

7. While the docket's subject is related to waterborne transportation, Progress Energy and Tampa Electric's issues are completely different. Combining the two hearings does not provide any administrative benefits.

8. As a bottom line, Tampa Electric believes that the interests of all concerned will be better served by adhering to the current hearing schedule of May 27 and 28 at the Commission's hearing facilities in Tallahassee.

WHEREFORE, Tampa Electric submits the foregoing in opposition to any relocation or rescheduling of the forthcoming hearings in this docket.

DATED this 2nd day of March 2004.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Memorandum in Opposition, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 2nd day of March 2004 to the following:

Mr. Wm. Cochran Keating, IV*
Senior Attorney
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0863

Ms. Vicki Gordon Kaufman
Mr. Timothy J. Perry
McWhirter, Reeves, McGlothlin,
Davidson, Kaufman & Arnold, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

Mr. Robert Vandiver
Associate Public Counsel
Office of Public Counsel
111 West Madison Street – Suite 812
Tallahassee, FL 32399-1400

Mr. John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin,
Davidson, Kaufman & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, FL 33601-5126

Mr. Michael B. Twomey
Post Office Box 5256
Tallahassee, FL 32314-5256

Mr. Robert Scheffel Wright
Mr. John T. LaVia, III
Landers & Parsons, P.A.
Post Office Box 271
Tallahassee, FL 32302



ATTORNEY

h \jdb\tec\031033 mem in opposition to re.doc