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March 10, 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 a Joint
Motion for Approval of Stipulation.

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

03366 MAR 10 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 10, 2004
_____)

**JOINT MOTION FOR
APPROVAL OF STIPULATION**

Tampa Electric Company, the Citizens of the State of Florida and the Florida Industrial Power Users Group jointly move the Commission for entry of an order approving the attached procedural Stipulation.

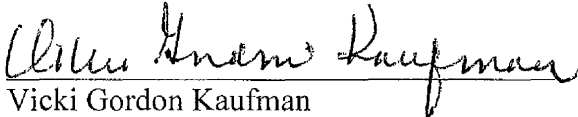
DATED this 10th day of March 2004.

Respectfully submitted,



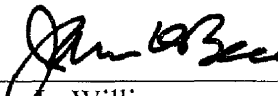
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ATTORNEYS FOR TAMPA
ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Joint Motion filed on behalf of Tampa Electric Company, the Citizens of the State of Florida and the Florida Industrial Power Users Group, has been furnished by U.S. Mail or hand delivery (*) on this 10th 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

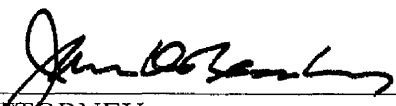
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ATTORNEY

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 10, 2004
_____)

STIPULATION

1. Now pending before this Commission are several discovery requests and an audit request seeking the production of information of TECO Transport from Tampa Electric Company and TECO Transport.

2. These requests have led to: objections from Tampa Electric and TECO Transport; Motions to Compel; orders issued by the prehearing officer; Motions for Reconsideration and an Appeal to the First District Court of Appeal. The prehearing officer on February 23, 2004 granted OPC's Motion resetting the hearing date to May 27 – 28, 2004 and ordered all parties to meet to discuss procedural issues including a proposal by Tampa Electric to bifurcate this proceeding.

3. A meeting of all parties was held on March 2, 2004 following which Staff encouraged the parties to continue to seek an agreement on how to best proceed.

4. Following the March 2, 2004 meeting OPC, FIPUG and Tampa Electric met and reached a procedural agreement on how this case can proceed to hearing on May 27 – 28, 2004 while preserving rights with respect to the pending matters relating to access to TECO Transport information.

5. OPC, FIPUG and Tampa Electric agree as follows:

A. This case should proceed to hearing on May 27 – 28, 2004.

B. The issues for this hearing shall be worded as worded in Issues 17-E, 17-F and 17-G in Docket No. 030001-EI which were spun out for hearing in this docket.

C. Upon approval of this Stipulation OPC and FIPUG agree to withdraw all of their pending discovery requests and to refrain from issuing any further discovery requests seeking or designed to lead to TECO Transport information from TECO Energy, Tampa Electric, TECO Transport or any other affiliate of Tampa Electric prior to the entry of an order by the Commission following its decision based on evidence received at the hearing scheduled for May 27 – 28, 2004. Those pending discovery requests are set forth in “Attachment A” to this Stipulation: “Pending Discovery Requests of OPC and FIPUG Seeking Discovery of TECO Transport Information.” Tampa Electric agrees to withdraw its Motion for Reconsideration of Order No. PSC-04-0158-PCO-EI, issued February 16, 2004 addressing FIPUG’s discovery. Accordingly, all discovery sought by FIPUG and OPC in this proceeding seeking or designed to lead to TECO Transport information has either been answered or withdrawn. Accordingly, all disputes related to these discovery requests are moot. Tampa Electric will take no action with regard to any discovery orders that have been entered in this proceeding pending the entry of an order by the Commission following its decision based on evidence received at the hearing scheduled for May 27-28, 2004.

D. Upon approval of this Stipulation Tampa Electric will file for the dismissal of its appeal of the prehearing officer’s January 30, 2004 order compelling discovery, Order No. PSC-04-0118-PCO-EI, now pending in the First District Court of Appeal, without prejudice to its right to present any argument in any future appeal of any other order that may be issued in this docket.

E. OPC and FIPUG shall have the right in the hearing scheduled for May 27 - 28, 2004 to advocate any approach to the determination of the reasonableness of Tampa Electric's payments to TECO Transport for the transportation of coal. Tampa Electric shall have the right to oppose any proposal for determining the reasonableness of Tampa Electric's payments to TECO Transport for the transportation of coal advocated by any party. Nothing herein shall restrict OPC or FIPUG from pursuing discovery in any proceeding subsequent to the hearing scheduled for May 27-28, 2004. Tampa Electric shall have the right to oppose the discovery of or consideration of any information requested in any future discovery.

6. OPC and FIPUG agree that they will take no position on any discovery attempts by Staff or other parties to obtain or designed to lead to TECO Transport information from TECO Energy, Tampa Electric, TECO Transport or any of its affiliates prior to the entry of an order by the Commission based on the evidence received at the hearing scheduled for May 27 - 28, 2004.

General Provisions

7. This Stipulation is based on the unique factual circumstances of this case and shall have no precedential value in proceedings involving other utilities or in other proceedings involving Tampa Electric before this Commission. OPC, FIPUG and Tampa Electric reserve the right to assert different positions on any of the matters contained in this Stipulation if the Stipulation is not accepted by the Commission.

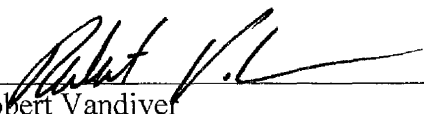
8. OPC, FIPUG and Tampa Electric hereto shall not unilaterally recommend or support the modification of this Stipulation or discourage its acceptance by the Commission.

9. OPC, FIPUG and Tampa Electric hereto shall not request reconsideration of or appeal the order which approves this Stipulation.

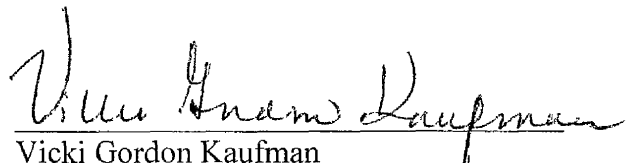
10. OPC, FIPUG and Tampa Electric urge that the prehearing officer enter an order approving this Stipulation at the earliest possible time.

11. This Stipulation shall be effective upon Commission approval. In the event that the Commission rejects or modifies the Stipulation, in whole or in part, OPC, FIPUG and Tampa Electric agree that this Stipulation is void unless otherwise ratified by OPC, FIPUG and Tampa Electric, and that OPC, FIPUG and Tampa Electric may pursue its interests as those interests exist, and that neither OPC, FIPUG or Tampa Electric will be bound to or make reference to this Stipulation before this Commission or any court.

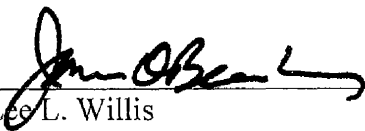
DATED this 10th day of March 2004.


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Attachment A

Pending Discovery Requests of OPC and FIPUG Seeking Discovery of TECO Transport Information

1. FIPUG's First Set of Discovery: Interrogatory Nos. 29-32. Order No. PSC-04-0158-PCO-EI, issued February 16, 2004, addressing this discovery is now pending on a Motion for Reconsideration by Tampa Electric.
2. OPC's Subpoena Duces Tecum for Deposition to Ben H. Hill, Jr. dated February 19, 2004. OPC's Subpoena Duces Tecum, without Deposition, to Sheila McDevitt dated January 9, 2004 was superceded by the February 19, 2004 Subpoena.
3. OPC's First Set of Interrogatories: Nos. 11, 12, 13.
4. OPC's Second Set of Interrogatories: No. 15
5. OPC's First Request for Production: No. 15
6. OPC's Third Request for Production to Tampa Electric dated January 9, 2004.
7. OPC's Fourth Request for Production No. 64