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C/O THE FLORIDA LEGISLATURE
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Harold McLean
Public Counsel

October 8, 2004

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

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COMMISSION
CLERK

RE: Docket No. 040002-GE

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of the Office of Public Counsel's Preliminary List of Issues and Positions.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Patricia A. Christensen
Associate Public Counsel

- CMP _____
- COM 5
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost
recovery clause.)
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)

DOCKET NO. 040002-EG

FILED: October 7, 2004

ISSUE 1: **What are the appropriate final conservation cost recovery true-up amounts for the period January 2003 through December 2003?**

OPC POSITION: No position at this time.

ISSUE 2: **What are the appropriate conservation cost recovery factors for the period January 2005 through December 2005?**

OPC POSITION: No position at this time.

ISSUE 3: **What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2005 through December 2005?**

OPC POSITION: No position at this time.

ISSUE 4: **What should be the effective date of the new conservation cost recovery factors for billing purposes?**

OPC POSITION: No position at this time.

Respectfully submitted,



Patricia A. Christensen
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Office of Public Counsel
c/o The Florida Legislature
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Preliminary Statement of Issues and Positions has been furnished by U.S. Mail on this 7th day of January, 2004, to the following:

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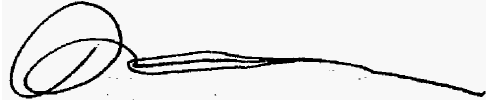
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