

Ruth Nettles

090368-EI

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Sent: Friday, March 19, 2010 3:47 PM
To: Filings@psc.state.fl.us
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Subject: Electric Filing - Motion for Modification of Testimony Filing Dates
Attachments: Motion for Modification of Testimony Filing Dates.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Patricia A. Christensen, Associate Public Counsel
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b. Docket No. 090368-EI

In Re: Reviews of the continuing need and cost associated with Tampa Electric Company's 5 Combustion Turbines and Big Bend Rail Facility.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 3 pages.

e. The document attached for electronic filing is Notice of Service of Citizens' Motion for Modification of Testimony Filing Dates.

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3/19/2010

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Reviews of the continuing need
and Cost associated with Tampa
Electric Company's 5 Combustion
Turbines and Big Bend Rail Facility

Docket No.: 090368-EI

Filed: March 19, 2010

MOTION FOR MODIFICATION OF TESTIMONY FILING DATES

The Citizens of the State of Florida (Citizens), by and through undersigned counsel, pursuant to Rule 28-106.204, Florida Administrative Code, file this Motion for Modification of Testimony Filing Dates. In support of this motion, Citizens state as follows:

1. On March 11, 2010, the Commission issued its Order Establishing Procedure, Order No. PSC-10-0144-PCO-EI. In that Order, the controlling dates for the key activities were established for testimony filing as follows: 1) Utility's testimony and exhibits – 4/30/10; Interveners' testimony and exhibits – 6/01/10; Staff's testimony and exhibits, if any- 6/11/10; and Rebuttal testimony and exhibits – 7/09/10.

2. Citizens requests that the dates be modified because as currently scheduled our office does not have sufficient time to prepare our testimony. First, with only 32 days between the utility's testimony and the interveners' testimony, Citizens do not have sufficient time to review the utility's testimony, request discovery, receive and review the discovery responses (30 days for discovery), and conduct any follow up discovery, if necessary. Further, Citizens are still waiting approval of our consulting contract that is subject to the Legislative approval process. Thus, an extension of time for filing Intervener testimony from 32 days to 60 days from the date of the utility's testimony filing date is necessary. An alternative solution would be to move the

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utility's testimony filing date up by 30 days to April 1, 2010. This request will have no impact on the current prehearing and hearing dates. While Citizens believe that modification of the schedule will not prejudice any party, not modifying the filing date for Citizens testimony and the subsequent filing date will severely harm Citizens ability to prepare its case.


3. Therefore, Citizens respectfully propose the following date modifications: 1) Utility's testimony and exhibits – 4/30/10; Intervenors' testimony and exhibits – 6/30/10; Staff's testimony and exhibits, if any- 7/9/10; and Rebuttal testimony and exhibits – 7/23/10. Further, the discovery deadline should be extended to 8/27/10. In the alternative, the utility testimony filing date could be moved to April 1, 2010.

4. Citizens have contacted the parties to this proceeding. FIPUG has no objection to the motion. Tampa Electric objects to the motion to modify the schedule and will be filing a separate response. Staff counsel takes no position on the motion.

WHEREFORE, the Citizens hereby requests that the Commission approve Citizen's Motion for Modification of Testimony Filing Dates.

Respectfully Submitted,

JR Kelly
Public Counsel



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CERTIFICATE OF SERVICE

I, **HEREBY CERTIFY** that a true and correct copy of the Citizens' Motion for Modification of Testimony Filing Dates had been furnished by electronic mail and U.S. Mail on this 19th day of March, 2010, to the following:


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