

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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

May 17, 2013

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Ms. Ann Cole, Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Petition for Rate Increase by Tampa Electric Company
FPSC Docket No. 130040-EI

Dear Ms. Cole:

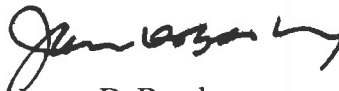
Enclosed for filing in the above docket are the original and fifteen (15) copies of each of the following:

1. Tampa Electric Company's Memorandum in Opposition to Petition to Intervene of the WCF Hospital Utility Alliance.
2. Tampa Electric Company's Response to Request of the WCF Hospital Utility Alliance to be Represented by Kenneth Wiseman, Mark F. Sunback, Lisa M. Purdy, William M. Rappolt and Blake R. Urban as Qualified Representatives.

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

COM _____
AFD 1
APA 1
ECO 12
ENG _____
GCL 1 JDB/pp
IDM _____ Enclosures
TEL _____
CLK _____ cc: All Parties of Record (w/encls.)

DOCUMENT NUMBER-DATE

02743 MAY 17 2013

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase)
by Tampa Electric Company.)
_____)

DOCKET NO. 130040-EI

FILED: May 17, 2013

**TAMPA ELECTRIC COMPANY'S MEMORANDUM
IN OPPOSITION TO PETITION TO INTERVENE
OF THE WCF HOSPITAL UTILITY ALLIANCE**

Pursuant to Rule 25-22.039 and 28-106.205, Florida Administrative Code, Tampa Electric submits its Memorandum in Opposition to the Petition to Intervene of the WCF Hospital Utility Alliance ("HUA") and says:

1. HUA filed its Petition to Intervene in this proceeding on May 10, 2013. In it, HUA claims to be "an ad hoc group consisting of regional healthcare providers in west central Florida that receive power from, and pay the rates of, TECO." The Petition goes on to state that because of the services they render, their load profile, and their concern with service reliability and the cost of electric service, HUA's members "have important concerns regarding TECO's services and rates."

2. HUA's Petition to Intervene was accompanied by a document entitled "Request of the WCF Hospital Utility Alliance to be Represented [by non-Florida lawyers]," which was signed by Elizabeth M. Rugg, Executive Director of Health Council of West Central Florida, Inc. in St. Petersburg, Florida, which is not in Tampa Electric's service territory. The Health Council of West Central Florida, Inc. appears to be an incorporated trade association, not a healthcare provider. Ms. Rugg's relationship, if any, to "HUA" is unknown to Tampa Electric and is not explained in the Request to Be Represented or the Petition to Intervene. Neither the Petition to Intervene nor the Request to Be Represented disclose the names of the members of

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FPSC-COMMISSION CLERK

HUA, whether The Health Council of West Central Florida, Inc. is a member of HUA or what authority Ms. Rugg has (e.g., officer, agent, etc.) to make a Request to be Represented on behalf of HUA. For this reason, Tampa Electric has contemporaneously filed an objection to the Request to Be Represented. In addition to the reasons set forth below, Tampa Electric urges the Commission to refrain from granting the Petition to Intervene until it is signed by a member of the Florida Bar or is accompanied by a Request to be Represented that complies with Rule 28-106.106, Florida Administrative Code.

3. Although it was not accompanied by a proper Request to be Represented, HUA's Petition to Intervene correctly states that, under Florida law, to establish standing as an association representing its members' substantial interests, a group must demonstrate three things:

- a. that a substantial number of the entities that comprise the group, although not necessarily a majority, are substantially affected by the agency's decision;
- b. that the intervention by the group is within the group's general scope of interest and activity; and
- c. that the relief requested is of a type appropriate for a group to obtain on behalf of its members.¹

4. HUA is an unknown, unexplained concept. It is not a corporation or a Limited Liability Company. No member of the alleged "ad hoc group" is identified in the Petition to Intervene. It is not clear from the Petition to Intervene whether HUA is a real unincorporated association with officers, by-laws and operating rules, whether it has ever engaged in collective activity relating to utility rates or anything else or whether it is just a group of persons who wish

¹ *Florida Home Builders Ass'n v. Dep't of Labor and Employment Security*, 412 So .2d 351, 353-54 (Fla. 1982); *Farmworker Rights Org. v. Dep't Health & Rehabilitative Servs.*, 417 So. 2d 753 (Fla. 1982).

to participate in this proceeding anonymously under a fictitious name to maintain secrecy and avoid the obligations attendant to true party status, such as responding to discovery.

5. Tampa Electric requests the Commission to take official notice that there is no entity by the name of "WCF Hospital Utility Alliance" registered with the Secretary of State of the state of Florida, Division of Corporations, nor has any group by that name registered under Section 865.09, Florida Statutes, to do business under a fictitious name similar to "WCF Hospital Utility Alliance." See Exhibits A and B attached hereto.²

6. No hospital or other healthcare provider is identified in the Petition to Intervene filed by HUA. No organization by the name of "WCF Hospital Utility Alliance" has ever participated in a proceeding involving Tampa Electric.

7. In contrast to HUA's Petition, the South Florida Hospital and Healthcare Association ("SFHHA"), represented by the same Washington, D. C. law firm as HUA, Andrews Kurth LLP, listed some 39 individual healthcare institutions receiving electric power from Florida Power & Light Company in its Petition to Intervene in a 2001 FPL proceeding before the Commission.³ In its order granting intervention in the FPL case, the Commission twice referred to the list of 39 individually named healthcare providers included in the association's petition.⁴ HUA's Petition fails to identify even a single alleged member. If it was important enough to include a list of group members to establish associational standing in the FPL case, HUA should make the same showing in its Petition in this docket.

8. HUA has failed to establish that it has standing as an association sufficient to merit intervention in this proceeding. Its Petition fails to identify any of the entities that

² The Commission is authorized under Section 90.202(6), Florida Statutes, to take official recognition of "Records of any court of this state or of any court of record of the United States or of any state, territory or jurisdiction of the United States." (Emphasis supplied.)

³ See Petition to Intervene in Docket No. 001148-EI, attached hereto as Exhibit C.

⁴ Order No. PSC-01-1783-PCO-EI, issued August 31, 2001 in Docket No. 001148-EI.

comprise the alleged group. Although it claims to be an ad hoc association of healthcare providers, its Request to be represented was signed by the Executive Director of a corporation that does not appear to be a healthcare provider and is not a customer of Tampa Electric.

9. The Petition fails to establish the first prong of the requirements to establish associational standing:

- “a. that a substantial number of the entities that comprise the group, although not necessarily a majority, are substantially affected by the agency's decision;”

The Petition does not establish that a substantial number of the entities that allegedly comprise the group are or will be substantially affected by the Commission's decision. Since the Petition does not identify any of HUA's members, there is no way for Tampa Electric or the Commission to verify that the group's alleged members are in fact customers of Tampa Electric, or that they provide similar services or share similar load profiles and other characteristics supporting a determination that they will be similarly affected by the outcome of this proceeding.

10. The Petition likewise fails to establish the second prong of associational standing:

- "b. That the intervention by the group is within the group's general scope of interest and activity;"

Again, it is impossible to determine or verify the scope of interest and activity of alleged group members who are not identified.

11. The third element required to establish associational standing is:

- "c. That the relief request is of a type appropriate for a group to obtain on behalf of its members."

The only relief requested is that HUA be allowed to intervene on behalf of its undisclosed "members." Because HUA's Petition fails to disclose the admittedly ad hoc group's members,

neither Tampa Electric nor the Commission can verify that the relief requested is of a type appropriate for this particular group to obtain on behalf of its undisclosed members.

12. The final sentence of paragraph 6 of HUA's Petition to Intervene states:

As demonstrated, HUA has established standing as an organization representing the substantial interests of a group of TECO ratepayers.

In reality, HUA's Petition does not establish that any of its members are Tampa Electric customers, nor does it differentiate the alleged members of HUA from any other group of Tampa Electric customers. Pursuant to Section 350.0611, Florida Statutes, the Office of Public Counsel is authorized to represent the citizens of the state of Florida in matters before the Commission including this proceeding. The Office of Public Counsel is a participant in this proceeding. HUA's undisclosed "members", if they are Tampa Electric customers, would be more appropriately represented by OPC, rather than HUA assuming the role of an individual intervenor whose membership is hidden.

Conclusion


Since HUA's Petition to Intervene fails to establish that HUA is a real association and fails to disclose any of its alleged "members", it fails to satisfy the first prong of the test for associational standing; namely, whether a substantial number of its members are substantially affected by the Commission's decision in this case such that they would have standing to participate in this proceeding. Even if HUA could be considered an association under some loose definition of the term, its failure to provide the identities of its alleged members leaves the Commission unable to ascertain whether "a substantial number" of HUA's "members" would have individual standing to participate in this proceeding. By failing to disclose the identities of HUA's alleged "members", the Petition precludes the Commission from having a basis for

concluding that the second prong of associational standing is met. Since the identities of the members are unknown, it is impossible to verify that intervention by the group is within the group's general scope of interest and activity. Finally, HUA's failure to identify its members precludes a meaningful determination of whether the relief requested is of a type appropriate for a group to obtain on behalf of its members. Accordingly, the Petition fails to establish that HUA has associational standing to participate in this proceeding.

WHEREFORE, Tampa Electric urges the Commission to deny the Petition to Intervene of the WCF Hospital Utility Alliance.

DATED this 17th day of May, 2013.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
KENNETH R. HART
ASHLEY M. DANIELS
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 and correct copy of the foregoing Memorandum in Opposition, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or by electronic and U. S. Mail (**) on this 17th day of May, 2013 to the following:

Martha Barrera*
Martha Brown
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
mbarrera@psc.state.fl.us
mbrown@psc.state.fl.us

J. R. Kelly, Public Counsel**
Patricia G. Christensen
Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
kelly.jr@leg.state.fl.us
christensen.patty@leg.state.fl.us

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The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com

Robert Scheffel Wright**
John T. Lavia, III
Gardner, Bist, Wiener, Wadsworth, Bowden,
Bush, Dee, LaVia & Wright, P.A.
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schef@gbwlegal.com
jlavia@gbwlegal.com

Kenneth L. Wiseman**
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Lisa M. Purdy
William M. Rappolt
Blake R. Urban
Andrews Kurth LLP
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msundback@andrewskurth.com
lpurdy@andrewskurth.com
wrappl@andrewskurth.com
burban@andrewskurth.com



ATTORNEY

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WCFI, INC.	F00000002282	INACT
W.C. FIELDING, INCORPORATED	P95000078135	INACT
W.C. FIELDS, INC.	S64339	INACT
WC FIELDS HOMES LLC	L12000085023	Active
W.C.F., II, INC.	572316	INACT/MG
W.C.F., III, INC.	572317	INACT/MG
WC FINANCES CORP.	P04000078825	INACT/MG
W. C. FINANCIAL, INC.	424384	INACT
WC FINANCIAL INVESTMENT LIMITED PARTNERSHIP	A98000002620	INACT
WC FINANCING, LLC	L10000080750	Active
WCF INVESTMENTS, LLC	L05000044676	INACT
W C F INVESTMENTS, INC.	P93000033630	INACT
WC FIRE SAFETY INC.	P11000052103	Active
WCF IV, INC.	H14826	INACT/MG
WCFL, LLC	L06000043523	INACT
W. C. CORP. OF FLA.	464324	INACT
WCFLA, LLC	L12000138202	Active
W.C. FLOORING CORP	P12000045891	Active
WCFM CORP.	H93987	INACT

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W.C. FIELDS, INC.	S64339	INACT
WC FIELDS HOMES LLC	L12000085023	Active
W.C.F., II, INC.	572316	INACT/MG
W.C.F., III, INC.	572317	INACT/MG
WC FINANCES CORP.	P04000078825	INACT/MG
W. C. FINANCIAL, INC.	424384	INACT
WC FINANCIAL INVESTMENT LIMITED PARTNERSHIP	A98000002620	INACT
WC FINANCING, LLC	L10000080750	Active
WCF INVESTMENTS, LLC	L05000044676	INACT
W C F INVESTMENTS, INC.	P93000033630	INACT
WC FIRE SAFETY INC.	P11000052103	Active
WCF IV, INC.	H14826	INACT/MG
WCFL, LLC	L06000043523	INACT
W. C. CORP. OF FLA.	464324	INACT
WCFLA, LLC	L12000138202	Active
W.C. FLOORING CORP	P12000045891	Active
WCFM CORP.	H93987	INACT

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WCF VISIONS INC.	P13000030040	Active
WCF WOMENS' RESOURCES DISPLACED HOMEMAKERS' ASSISTANCE PROJECT LLC	L10000055781	INACT/UA
W.C.G. CORP.	377610	INACT
W.& C.G., INC.	G92562	NAME HS
WCG, LLC	L05000112501	Active
WCG, INC.	P27514	NAME HS
WCG, INC.	P95000058256	INACT
WCG, INC.	V38312	INACT
WCG 1, LLC	L01000021147	INACT
WCGA 1200, LLC	L09000019952	INACT
WC GANN LLC	L05000061330	INACT
WC GASSMAN CONSULTING, INC.	P12000015526	Active
WCG ASSOCIATES, INC.	P98000000338	Active
W.C.G.B. FOODS, INC.	F10345	INACT
WCGB INVESTMENT SERVICES COMPANY	P99000056798	INACT/MG
WCGC BOOSTER CLUB, INC.	N06000006280	Active
WCG COMMUNICATIONS, INC.	F98000001771	INACT
W.C.G. CONSULTING CORP.	S79847	INACT
W & C GENERAL MAINTENANCE, L.L.C.	L05000043950	INACT
WC GENERAL SERVICES CORP	P08000021541	INACT

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Fictitious Name	Address	City	State	County	Status
W.C. FIELD SERVICES	P.O. BOX 157	BRADENTON	FL	MULTIPLE	A
WCF INVESTMENTS	12118 STILL MEADOW DRIVE	CLERMONT	FL	MULTIPLE	A
WC FLOWERS	1381 NE 157TH AVE	WILLISTON	FL	MULTIPLE	E
WCFP	11941 ROYCE WATERFORD CIRCLE	TAMPA	FL	HILLSBOROUGH	A
W. C. F. R.	12180 119 ST NORTH	LARGO	FL	PINELLAS	E
WC FRAUD CONSULTING GROUP	1242 SIESTA BAYSIDE DR.	SARASOTA	FL	SARASOTA	A
WCF WORLDWIDE COMPANY FORMATION	5445 COLLINS AVENUE	MIAMI BEACH	FL	MULTIPLE	A
WCG COMMUNICATIONS, INC.	1 BETHANY ROAD, #176	HAZLET	NJ	LEON	E
W & C GENERAL MAINTANENCE	188 HEATHER LANE DR	DELTONA	FL	MULTIPLE	E
W.C. GLOVER ENTERPRISES	9325 GARDEN STREET	JACKSONVILLE	FL	DUVAL	E
WCH	3501 NORTH OCEAN DRIVE, SUITE 5B	HOLLYWOOD	FL	BROWARD	A
W.C.H. ENTERTAINMENT	3536 UNIVERSITY BLVD. N. #190	JACKSONVILLE	FL	DUVAL	A
WCH INSURANCE CONSULTANTS	1152 CRANE LN	TARPON SPRINGS	FL	PINELLAS	E
W.C.HOLDINGS	PO BOX 101058	FORT LAUDERDALE	FL	BROWARD	E
WCH RELOCATION SPECIALISTS	1604 ALAN DR	EUSTIS	FL	LAKE	A
W. CHURCH FOOD MART	2503 W. CHURCH STREET	ORLANDO	FL	ORANGE	E
W.C.I.	11637 TYNDEL CREEK DR.	JACKSONVILLE	FL	DUVAL	E
WCI	844 SW 14TH PLACE	CAPE CORAL	FL	LEE	E
WCI CONSULTING	P.O. BOX 7369	NORTH PORT	FL	SARASOTA	E
WCI GROUP	11250 OLD ST AUGUSTINE RD	JACKSONVILLE	FL	DUVAL	E

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 State of Florida, Department of State

THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Review of Florida Power & Light
Company's proposed merger with Entergy
Corporation, the formation of a Florida
transmission Company ("Florida
transco"), and their effect on FPL's retail
sales**

§
§
§
§
§
§

Docket No.: 001148-EI

PETITION TO INTERVENE

South Florida Hospital and Healthcare Association ("SFHHA") and individual healthcare institutions in the Florida Power & Light Company ("FPL") service territory (collectively with the SFHHA, the "Hospitals"), pursuant to the Florida Administrative Code Rules 25-22.039 and 28-106.205, hereby petition to intervene in this docket. As grounds therefore, the Hospitals state as follows:

1. The name and address of SFHHA is:

South Florida Hospital and Healthcare Association
6363 Taft Street
Hollywood, Florida 33024
(954) 964-1660 Phone
(954) 9642-1260 Facsimile

2. The names of individual healthcare institutions referenced in the first sentence of this pleading are listed in Appendix A to this pleading.

3. All pleadings, orders and correspondence should be directed to Petitioners' representative as follows:

Mark F. Sundback
Kenneth L. Wiseman
Andrews & Kurth L.L.P.
1701 Pennsylvania Avenue, N.W.
Suite 300
Washington, D.C. 20006
(202) 662-2700 Phone
(202) 662-2739 Facsimile

and

Linda Quick, President
South Florida Hospital and Healthcare Association
6363 Taft Street
Hollywood, Florida 33024
(954) 964-1660 Phone
(954) 9642-1260 Facsimile

4. This proceeding was initiated to consider FPL's retail rates, in light of *inter alia*, the planned formation of a regional transmission organization ("RTO") for peninsular Florida, and of a proposed merger with Entergy Corporation. See, "Order Establishing Procedure," Docket No. 001148-EI (November 6, 2000), p.1 (hereinafter "Order Establishing Procedure"). FPL's retail rates could be affected by costs or savings arising from formation and participation in a RTO, as well as costs arising from its apparently unsuccessful merger attempt.

5. SFHHA is a regional healthcare provider association acting as an advocate, facilitator and educator for its members, and a voice for improving the health status of its community. Particularly, SFHHA advocates the interests, and encourages involvement, of its member organizations in communications with the public, to elected and government officials, and to the business community and engages in cost-effective projects and programs that benefit, or add value to the services offered by, its member organizations.

6. Entities listed on Appendix A are engaged in providing, *inter alia*, acute healthcare services, and receive electric power from and pay the rates of FPL. Healthcare facilities, because of the services they render, their load profile, and their concern with reliable, consistent levels of service, have important concerns regarding the services and rates of FPL.

7. The Commission's order establishing procedures in this docket recognized that "[i]t is anticipated that an extended period of discovery will take place before the . . . identification of specific issues to be considered." Order Establishing Procedure, p. 1. Not all of the specific issues to be addressed have yet been identified, as was noted in the March 14, 2001 "Order Granting Motion For Leave To File Amended Petition To Intervene and Granting in Part and Denying in Part Amended Petition to Intervene" in this docket (p. 3).

8. Disposition of this case may affect rates for FPL, as well as the terms and conditions of service for healthcare institutions connected to FPL's facilities; thus the Hospitals have an interest in the proceeding and would be directly and substantially affected by any action the Commission takes in this docket.

9. For a potential intervenor to demonstrate that its substantial interests will be affected by a proceeding, the potential intervenor must show: (a) it will suffer injury in fact as a result of the agency action contemplated in the proceeding that is of sufficient immediacy to entitle it to a hearing; and (b) the injury suffered is a type against which the proceeding is designed to protect. *See, Ameristeel Corp. v. Clark*, 691 So. 2d 473, 477 (Fla. 1997).

10. Disputed issues of material fact include, but are not limited to, the following:

- (a) The effect of the failed merger on FPL's earnings and costs;
- (b) The effect of the RTO on competition in Florida;
- (c) The effect of the proposed RTO on retail rates in the Florida market;

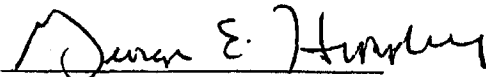
- (d) Appropriate adjustments to be made in setting retail rates for FPL retail customers; and
 - (e) The appropriate level of rates charged by FPL for service.
11. The applicable statutes and rules, include, but are not limited to:

Chapter 366, Florida Statutes
Fla. Admin. Code Chapter 25
Fla. Admin Code Rule 28-106

WHEREFORE, the Hospitals request that the Florida Public Service Commission grant the Hospitals' Petition to Intervene and accord them full party status in this docket.



Mark F. Sundback
Kenneth L. Wiseman
Andrews & Kurth L.L.P.
1701 Pennsylvania Avenue, N.W.
Suite 300
Washington, D.C. 20006
Ph. (202) 662-3030
Fax. (202) 662-2739



George E. Humphrey
Florida Reg. No. 0007943
Andrews & Kurth L.L.P.
600 Travis, Suite 4200
Houston, Texas 77002-3090
Ph. (713) 220-4200
Fax. (713) 220-4285

Attorneys for the Hospitals

May 1, 2001

APPENDIX A

Northwest Medical Center	University of Miami Hospital and
Plantation General Hospital	Clinics
University Hospital	Bascom Palmer Eye Institute
Westside Regional Medical Center	Ann Bates Leach Eye Hospital
Aventura Hospital	Jackson Memorial Hospital
Cedars Medical Center	Jackson Memorial North Maternity
Deering Hospital	Center
Kendall Regional Medical Center	Broward General Medical Center
Columbia Hospital	Coral Springs Medical Center
JFK Medical Center	Imperial Point Medical Center
Palms West Hospital	North Broward Medical Center
Florida Medical Center	North Shore Medical Center
Hollywood Medical Center	
North Ridge Medical Center	
Coral Gables Hospital	
Hialeah Hospital	
Palmetto General Hospital	
Parkway Regional Medical Center	
Delray Medical Center	
Palm Beach Gardens Medical Center	
West Boca Medical Center	
Vencor Hospital - Hollywood	
Vencor Hospital - Ft. Lauderdale	
Vencor Hospital - Coral Gables	
Baptist Hospital of Miami	
South Miami Hospital	
Miami Children's Hospital	
Mt. Sinai Medical Center	
Miami Heart Medical Center	

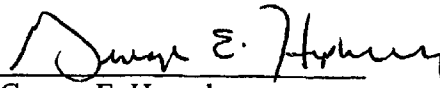
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Federal Express to the following parties of record and interested parties, this 1st day of May, 2001.

Robert V. Elias, Esquire.
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850

William G. Walker, III
Florida Power & Light Company
9250 West Flagler Street
Miami, Florida 33174

J. Roger Howe, Esq.
Office of Public Counsel
c/o Florida Legislature
111 W. Madison Street
Room No. 812
Tallahassee, Florida 32399-1400


George E. Humphrey

Florida Industrial Power Users Group
c/o John McWhirter, Jr., Esq.
400 North Tampa St., Suite 2450
Tampa, Florida 33601-3350

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
McWhirter Reeves Law Firm
117 South Gadsden
Tallahassee, Florida 32301

Thomas A. Cloud, Esquire
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
P.O. Box 3068
Orlando, Florida 32802-3608

Matt Childs, Esquire
Steel Hector & Davis, LLP
215 S. Monroe Street, Suite 601
Tallahassee, Florida 32301-1804

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase)
by Tampa Electric Company.)
_____)

DOCKET NO. 130040-EI

FILED: May 17, 2013

**TAMPA ELECTRIC COMPANY'S RESPONSE TO REQUEST
OF THE WCF HOSPITAL UTILITY ALLIANCE
TO BE REPRESENTED BY KENNETH WISEMAN,
MARK F. SUNDBACK, LISA M. PURDY, WILLIAM M. RAPPOLT
AND BLAKE R. URBAN AS QUALIFIED REPRESENTATIVES**

Tampa Electric Company "(Tampa Electric" or "the company") responds as follows to the Request of the WCF Hospital Utility Alliance to be Represented by Kenneth Wiseman, Mark F. Sundback, Lisa M. Purdy, William M. Fappolt and Blake R. Urban as Qualified Representatives ("the Request"):

1. Rule 28-106.106, Florida Administrative Code is the uniform rule of procedure regarding who may appear and the criteria for qualified representatives. That rule provides in part:

(2)(a). A party seeking representation by a qualified representative shall file a written request with the presiding officer as soon as practicable, but no later than any pleading filed by the person seeking to appear on behalf of the party. The request shall identify the name, address, e-mail address, and telephone number of the representative and shall state that the party is aware of the services which the representative an provide, and is aware that the party can be represented by counsel at the party[s own expense and has chosen otherwise. (Emphasis supplied.)

2. The request submitted on behalf of the WCF Hospital Utility Alliance ("HUA") is signed by Elizabeth M. Rugg, who is Executive Director of Health Council of West Central Florida, Inc. in St. Petersburg, Florida, which is not in Tampa Electric's service territory. The request states no relationship of Ms. Rugg to HUA. She is not identified as an officer, director,

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employee or as serving in any capacity on behalf of HUA, any HUA member or any Tampa Electric customer. While Tampa Electric does not question the qualifications of the lawyers named in the request, the request, nonetheless, is deficient in that it is not a written request by a party seeking representation by a qualified representative.

WHEREFORE, given the failure of the request to comply with Rule 28-106.106, Florida Administrative Code, the request should be denied.

DATED this 17th day of May, 2013.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Response, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or by electronic mail and U. S. Mail (**) on this 17th day of May, 2013 to the following:

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