

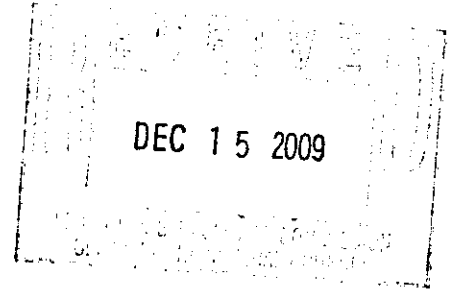
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December 15, 2009

HAND DELIVERED



Ms. Samantha Cibula  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: UNDOCKETED - November 24, 2009 Staff Workshop Regarding the Interim Report of the Tenth Statewide Grand Jury Regulating Utilities - Recommendations to Enhance the Integrity of the Process, and Commission Rule 25-22.033, Florida Administrative Code

Dear Ms. Cibula:

Following up the November 24, 2009 Staff Workshop in the above matter, I am pleased to enclose Tampa Electric Company's Post-Workshop Comments.

Sincerely,

James D. Beasley

JDB/pp

cc: Cindy Miller (w/enc.)  
Tim Devlin (w/enc.)  
Beth Salak (w/enc.)  
Paula Brown (w/enc.)  
Billy Stiles (w/enc.)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: November 24, 2009 Staff Workshop )  
Regarding the Interim Report of the Tenth )  
Statewide Grand Jury Regulating Utilities - )  
Recommendations to Enhance the Integrity )  
of the Process, and Commission Rule )  
25-22.033, Florida Administrative Code. )  
\_\_\_\_\_ )

UNDOCKETED

**TAMPA ELECTRIC COMPANY'S  
POST-WORKSHOP COMMENTS**

Tampa Electric Company appreciates the opportunity to file comments in the above-referenced matter. The comments discussed below are offered for the Commission's consideration.

The Commission adopted Rule 25-22.033, F.A.C., largely in response to the 10<sup>th</sup> Statewide Grand Jury Report, to address communications between the Commission staff and parties outside the normal discovery process. Specifically, the rule sets forth notice requirements regarding meetings and conference calls scheduled to discuss substantive matters in contested proceedings. Regardless of whether the Commission makes changes to this rule, Tampa Electric will continue to comply with all communication protocols the Commission determines are appropriate for gathering information necessary to carry out its regulatory responsibilities and for the company to conduct business. As the Commission considers this matter, Tampa Electric believes that certain principles discussed below should be taken into account.

Tampa Electric believes the Commission should assess the benefits to be gained from extending the requirements of the rule, or applying similar requirements, to the proceedings and activities that are currently exempt and weigh those benefits against the impact on the costs and efficiency of the regulatory process.

In its current form, Rule 25-22.033, F.A.C., is designed to protect the substantial interests of parties to contested proceedings. The exempt proceedings and activities listed in the rule are either preliminary in nature or do not affect the substantial interests of parties. Some of the exempt activities, such as audits and electric and gas safety inspections, in particular, are conducted in the field continuously throughout the year or over the course of several days or weeks. Applying the same notice requirements currently applicable to contested proceedings could result in extreme delays, inefficiencies and ultimately additional costs. In addition, any work product resulting from an audit or inspection that is introduced into a contested proceeding would be subject to discovery and cross examination by the parties to that proceeding.

As the Commission considers new requirements regarding communications between staff and parties, it should take into account similar processes employed by other agencies of the State of Florida. While the Commission's role in regulating utilities is unique, other agencies have roles that involve rendering decisions that affect the substantial interests of parties, administering programs and adopting and enforcing rules. The primary difference between the Commission's hearing process and that of many other agencies is that the Commission conducts its own hearings. Whether or not an agency conducts its own hearings, the agency head, or the Commissioners, in the case of the Commission, are responsible for issuing the ultimate decision. Similarly, rulemaking is a less formal process at other agencies as it currently is at the Commission. Tampa Electric does not believe that the subject matter of utility regulation necessarily justifies a fundamentally different process than that employed by other agencies.

Finally, Tampa Electric believes it is important for the Commission to consider symmetry in application. The Commission must maintain fairness in its processes and ensure uniform

application of any new requirements to all parties, as is the case currently with Rule 25-22.033, F.A.C.

Tampa Electric is hopeful the Commission will find the foregoing comments constructive and useful and appreciates the opportunity to participate in this process.

December 15, 2009



**BILL McCOLLUM**  
**ATTORNEY GENERAL**  
**STATE OF FLORIDA**

**OFFICE OF THE ATTORNEY GENERAL**

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December 15, 2009

Chairman Matthew M. Carter, II  
Commissioner Nancy Argenziano  
Commissioner Lisa Polak Edgar  
Commissioner Nathan A. Skop  
Commissioner David E. Klement  
Office of the Public Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-7019

Re: Comments regarding recommendations to enhance integrity of process and whether amendments should be made to Rule 22.033 F.A.C., Communications between employees and parties

Dear Commissioners:

Our office shares the Commission's desire to ensure the most transparent, fair, and accountable regulatory process possible to regain the public's confidence in that process. We look forward to participating in this effort.

Sincerely,

s/ Cecilia Bradley  
Cecilia Bradley  
Senior Assistant Attorney General