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October 1, 2007

HAND DELIVERED

RECEIVED - FPSC
07 OCT -1 PM 2:49
COMMISSION
CLERK

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

Re: Petition to determine need for Polk Unit 6 electrical power plant by Tampa Electric Company; FPSC Docket No. 070467-EI

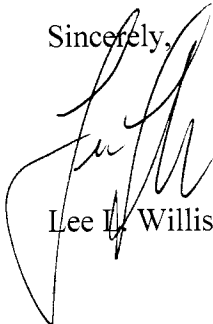
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Memorandum in Opposition to Acceptance of Supplemental Testimony of SACE witness, David Nichols.

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,



Lee L. Willis

CMP _____

COM _____

CTR _____

ECR _____ LLW/pp

GCL 3 Enclosure

OPC _____ cc: All Parties of Record (w/enc.)

RCA _____

SCR _____

SGA _____

SEC _____

OTH _____

DOCUMENT NUMBER-DATE

08980 OCT-1 5

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need)
for Polk Unit 6 electrical power plant)
by Tampa Electric Company.)
_____)

DOCKET NO. 070467-EI

FILED: October 1, 2007

**TAMPA ELECTRIC COMPANY'S
MEMORANDUM IN OPPOSITION TO ACCEPTANCE
OF SUPPLEMENTAL TESTIMONY OF SACE WITNESS, DAVID NICHOLS**

Tampa Electric Company ("Tampa Electric" or "the company") submits this its memorandum in opposition to the acceptance of supplemental testimony of Southern Alliance for Clean Energy ("SACE") witness, David Nichols, and says:

1. From the date of issuance of the Order Establishing Procedure in this docket all participants were placed on notice that Intervenor testimony was due to be filed no later than September 3, 2007. Order No. PSC-07-0711-PCO-EI dated August 30, 2007 granted extension of time for intervenor testimony to September 7, 2007.

2. SACE, as an intervenor in this proceeding, took the case as it found it and should have adhered to the due date for Intervenor testimony.

3. On September 28, 2007 Tampa Electric first heard of SACE's desire to file supplemental testimony of out time. The testimony in question demonstrates that SACE could have performed the calculations contained in Mr. Nichols' supplemental testimony and included the results in Mr. Nichols' testimony by the due date set forth in the Order Establishing Procedure. The fact that Tampa Electric objected to performing simple mathematical calculations SACE has now performed does not excuse SACE's effort to introduce new testimony in the eleventh hour of this proceeding, which testimony could easily have been prepared and submitted in a timely fashion.

DOCUMENT NUMBER-DATE

08980 OCT-15

FPSC-COMMISSION CLERK


4. The parties are on an ambitious schedule to complete discovery by October 3. It is unreasonable and unfair for SACE to attempt to introduce new testimony this late in the proceeding, especially since it addresses matter SACE could have prepared and submitted in a timely fashion in accordance with the schedule published in the Order Establishing Procedure.

5. Accepting SACE's supplemental testimony at this late date and under the circumstances described above would undermine the effect and importance of orders establishing procedure and would set bad precedent.

WHEREFORE, Tampa Electric opposes SACE's tardy effort to introduce supplemental testimony of witness David Nichols. In the event Mr. Nichols' testimony, nevertheless, is allowed to be introduced, Tampa Electric should be afforded a reasonable opportunity to file or present live supplemental rebuttal testimony addressing Mr. Nichols' supplemental testimony.

DATED this 1st day of October 2007.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
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(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Memorandum in Opposition to Acceptance of Supplemental Testimony of SACE witness, David Nichols, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 1st day of October 2007 to the following:

Ms. Jennifer S. Brubaker*
Staff Counsel
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

George Cavros, Esq.
120 E. Oakland Park Blvd., Ste. 105
Fort Lauderdale, FL 33334



ATTORNEY