

Dorothy Menasco

From: Pat Pottle <ppottle@ausley.com>
Sent: Tuesday, June 11, 2013 3:59 PM
To: Filings@psc.state.fl.us
Subject: TECO's Response in Opposition to HUA's Motion to Modify Controlling Dates and Discovery Procedures Applicable to Rebuttal
Attachments: Response in Opposition.pdf

Electronic filing

a. Person responsible for this electronic filing:

James D. Beasley
Ausley & McMullen
P.O. Box 391 (32302)
227 S. Calhoun Street
Tallahassee, FL 32301
850 425-5485
jbeasley@ausley.com

b. Docket No. 130040-EI
In re: Petition for Rate Increase by Tampa Electric Company

c. The document is being filed on behalf of Tampa Electric Company

d. There is a total of 4 pages

e. The document attached for electronic filing is a Response in Opposition to WCF Hospital Utility Alliance's Motion to Modify Controlling Dates and Discovery Procedures Applicable to Rebuttal.

James D. Beasley
Ausley & McMullen
(850) 425-5485
(850) 222-7952 (FAX)

jbeasley@ausley.com

DOCUMENT NUMBER-DATE

03233 JUN 11 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: June 11, 2013

**TAMPA ELECTRIC COMPANY'S RESPONSE IN OPPOSITION
TO WCF HOSPITAL UTILITY ALLIANCE'S MOTION
TO MODIFY CONTROLLING DATES AND DISCOVERY
PROCEDURES APPLICABLE TO REBUTTAL**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 28-106.204, Florida Administrative Code, files this its response in opposition to the Motion to Modify Controlling Dates and Discovery Procedures Applicable to Rebuttal ("the Motion") filed on June 11, 2013 on behalf of WCF Hospital Utility Alliance ("HUA") and, says:

1. HUA's Motion seeks to shorten Tampa Electric's response time to written discovery relating to the company's rebuttal testimony from 15 days down to 10 days and to extend the timeframe for depositions from August 26 to August 30.

2. The currently approved controlling dates were reset by the Prehearing Officer on May 17, 2013 in response to a motion filed by Public Counsel, Florida Retail Federation and the Florida Industrial Power Users Group, and no issue has been raised regarding the new dates until HUA's Motion.

3. HUA did not become an intervenor in this proceeding until June 4, 2013 and takes the case as it finds it.

4. Shortening Tampa Electric's time to respond to discovery from HUA from 15 days down to 10 days would work an undue burden on the company, particularly in light of the tremendous volume of discovery HUA has demonstrated its ability to generate. By the day after

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it was authorized to intervene, HUA had already served on Tampa Electric some 149 document requests and 131 interrogatories. It is not only the number of discovery requests HUA has propounded, but also the breadth of data requested that gives Tampa Electric cause for concern. Tampa Electric will have a difficult time responding to already pending voluminous discovery requests by HUA within the currently allowed 30-day timeframe. It would be difficult, if not impossible, to reasonably respond to similar discovery by HUA and the other intervenors relative to Tampa Electric's rebuttal testimony within the 10-day timeframe proposed by HUA.

5. HUA's proposal to extend the timeframe for depositions would encroach upon Tampa Electric's ability to prepare for the hearing set to commence on September 9, 2013, with a mere eight days separating the extended deposition date proposed by HUA and the start of the hearing.

6. Again, the schedule set forth in the Prehearing Officer's May 17, 2013 order setting the current controlling dates and deadline for discovery has been established since the entry of that order and HUA, as a recent intervenor, takes the case as it finds it. Tampa Electric needs all of the time it has been allocated in order to ensure that it provides Staff the information it requires while the company also attempts to deal with voluminous discovery from HUA and the other intervenors. The company respectfully urges that the controlling dates and deadline for discovery set forth in the Prehearing Officer's May 17, 2013 order be adhered to.

WHEREFORE, Tampa Electric submits the foregoing response in opposition to the June 11, 2013 Motion filed on behalf of HUA and urges that that Motion be denied.

DATED this 11th day of June 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 Response in Opposition, filed on behalf of Tampa Electric Company, was served by Electronic Mail on this 11th day of June, 2013 to the following:

Martha Barrera
Martha Brown
Suzanne Brownless
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
sbrownle@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

Jon C. Moyle, Jr.
Moyle Law Firm, P.A.
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.
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

Gregory J. Fike, Lt Col, USAF
AFLOA/JACL-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
gregory.fike@us.af.mil

Kenneth L. Wiseman
Mark F. Sundback
Lisa M. Purdy
William M. Rappolt
Blake R. Urban
Andrews Kurth LLP
1350 I Street NW, Suite 1100
Washington, D. C. 20005
kwiseman@andrewskurth.com
msundback@andrewskurth.com
lpurdy@andrewskurth.com
wrappolt@andrewskurth.com
burban@andrewskurth.com



ATTORNEY