

**Eric Fryson**

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**From:** Davis, Phyllis <DAVIS.PHYLLIS@leg.state.fl.us>  
**Sent:** Friday, April 12, 2013 3:43 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** 'jmoyle@kagmlaw.com'; Martha Brown; Martha Barrera; 'J. Beasley'; 'Paula K. Brown'; Christensen, Patty; Merchant, Tricia  
**Subject:** Electronic Filing - 130040-EI - Citizens' Joint Motion to Modify Controlling Dates and Discovery Service  
**Attachments:** Joint Motion to Modify Controlling Dates and Discovery Service - (F).docx.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Patricia A. Christensen, Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
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[Christensen.patty@leg.state.fl.us](mailto:Christensen.patty@leg.state.fl.us)

b. Docket No. 130040-EI

In Re: Petition for Rate Increase for Tampa Electric Company

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

d. There are a total of 4 pages.

e. The document attached for electronic filing is Citizens' Joint Motion to Modify Controlling Dates and Discovery Service.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Tampa Electric Company.

DOCKET NO. 130040-EI

DATED: April 12, 2013

**JOINT MOTION TO MODIFY CONTROLLING DATES AND DISCOVERY SERVICE**

The Citizens of the State of Florida (Citizens), Florida Retail Federation (FRF), and Florida Industrial Power Users Group (FIPUG), hereafter (Joint Movants), hereby file their Motion to Modify Controlling Dates and Discovery Service, and as grounds state the following:

1. On April 5, 2013 Tampa Electric Company (Tampa Electric) filed for a base rate increase. Tampa Electric has filed direct testimony and exhibits for thirteen witnesses. Its minimum filing requirements (MFRs) consist of nearly two thousand pages of documents.

2. All parties have the obligation to their clients to thoroughly review and conduct discovery on the extensive amount of testimonies and documentation that has been and will be filed in this proceeding. With the extensive documentation that needs to be reviewed and discovery that will be conducted and produced, Joint Movants believe that the current schedule will impede the process.

3. By Order No. PSC-13-0150-PCO-EI, issued April 8, 2013, Order Establishing Procedure (OEP), the controlling dates that Joint Movants seek to modify were established as follows: Intervenors' testimony and exhibits due July 3, 2013; Staff's testimony and exhibits, if any, due July 15, 2013; Rebuttal testimony and exhibits due July 31, 2013; Prehearing Statement due August 1, 2013; and Discovery Deadline due August 26, 2013.

DOCUMENT NUMBER-DATE

01931 APR 12 2013

FPSC-COMMISSION CLERK

4. Joint Movants seek to move the testimony filing dates back two weeks as well as additional time for Prehearing Statements and Discovery deadline as follows: Intervenors' testimony and exhibits due July 15, 2013; Staff's testimony and exhibits, if any, due July 31, 2013; Rebuttal testimony and exhibits due August 15, 2013; Prehearing Statement due August 19, 2013; and Discovery Deadline due August 30, 2013. The additional time will facilitate the parties' ability to present a fully vented case to the Commission, and should not present any scheduling or work impediments for Staff.

5. Joint Movants also request that Section V., Discovery Procedures, be modified. Currently, this section states that "(2) Discovery requests and responses shall be served by e-mail, hand delivery, or overnight mail." The Joint Movants seek to amend this section to add the service of responses via electronic transmission. This will allow the parties to establish a file transfer protocol amongst themselves to more efficiently exchange large-sized documents and large volumes of documents that will be produced pursuant to discovery. Thus, Joint Movants request the language be modified as follows: "(2) Discovery requests shall be served by e-mail, hand delivery, or overnight mail. Discovery responses shall be served by e-mail, hand delivery, overnight mail, or other electronic transfer as agreed to and established amongst the various parties."

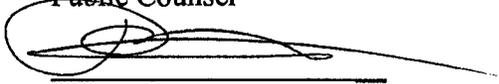
6. Joint Movants have conferred with Tampa Electric and are authorized to represent that it consents to the modifications proposed herein if they are acceptable to the Commission and its Staff.

7. The Joint Movants have authorized Citizens to file this Motion on their behalf.

WHEREFORE, the Joint Movants hereby request that the Commission grant their Motion to Modify the Controlling Dates and Discovery Service.

Respectfully submitted,

J.R. Kelly  
Public Counsel



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(850) 488-9330  
Attorney for Florida's Citizens

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Citizens' Joint Motion to Modify Controlling Dates and Discovery Service has been furnished by electronic mail and U.S. Mail to the following parties on this 12<sup>th</sup> day of April, 2013.

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