

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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

October 22, 2001

HAND DELIVERED

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Petition of City of Bartow, Florida, Regarding a Territorial Dispute with Tampa Electric Company, Polk County, Florida; FPSC Docket No. 011333-EI

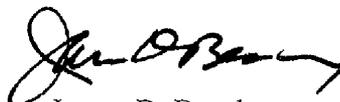
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Oral Argument.

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

JDB/pp  
Enclosure

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

DOCUMENT NUMBER - DATE

13386 OCT 22 01

FPSC - COMMISSION CLERK

46

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of City of Bartow, Florida, )  
Regarding a Territorial Dispute with Tampa )  
Electric Company, Polk County, Florida. )  
\_\_\_\_\_ )

DOCKET NO. 011333-EI  
FILED: October 22, 2001

**TAMPA ELECTRIC COMPANY'S  
REQUEST FOR ORAL ARGUMENT**

Tampa Electric Company ("Tampa Electric" or "the company") hereby requests an opportunity to present oral argument to the Commission in support of the company's Motion to Dismiss the Petition filed in this proceeding on behalf of the City of Bartow (the "City") and, as grounds therefor, says:

1. Tampa Electric is this date filing a Motion to Dismiss the City's Petition to Modify its Territorial Agreement with Tampa Electric or, in the alternative, to Resolve a Territorial Dispute.

2. Allowing oral argument on the Motion will enable the parties and the Commission to focus on and have a better understanding of the legal standards governing petitions to modify territorial agreements.

3. Oral argument will also afford the Commission an opportunity to ask questions of the parties and address any issues necessary to a proper disposition of the Motion to Dismiss. Oral argument will serve as an aid to the Commission.

WHEREFORE, Tampa Electric Company respectfully requests that the Commission schedule oral argument on Tampa Electric Company's Motion to Dismiss the Petition filed on behalf of the City of Bartow.

DATED this 22<sup>nd</sup> day of October 2001.

Respectfully submitted,

HARRY W. LONG, JR.  
Assistant General Counsel  
Tampa Electric Company  
Post Office Box 111  
Tampa, Florida 33601  
(813) 228-1702

and



---

LEE L. WILLIS  
JAMES D. BEASLEY  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, Florida 32302  
(850) 224-9115

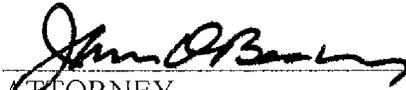
ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Request for Oral Argument, filed on behalf of Tampa Electric Company, has been served by hand delivery (\*) or U. S. Mail on this 22<sup>nd</sup> day of October 2001 to the following:

Ms. Adrienne Vining\*  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
Gerald L. Gunter Bldg. – Room 370  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. Davisson F. Dunlap, Jr.  
Dunlap & Toole, P.A.  
2057 Delta Way  
Tallahassee, FL 32303

  
ATTORNEY