

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric Company for declaratory statement regarding proposed sale of electricity by Empire Systems, Inc. to MacDill Air Force Base.)	DOCKET NO. 881267-EI
)	ORDER NO. 21150
)	ISSUED: 5-2-89

PREHEARING OFFICER'S ORDER DENYING REQUEST FOR ORAL ARGUMENT

On September 30, 1988, Tampa Electric Company (TECO), filed a Petition for Declaratory Statement pursuant to Rule 25-22.020, Florida Administrative Code, and Section 120.565, Florida Statutes, requesting the Commission to enter an Order declaring that proposed sale of electricity by Empire Systems, Inc. (Empire) to MacDill Air Force Base (MacDill) would constitute operation as a public utility under state law governing the provision of electric service and that such operation would subject Empire to regulation by the Commission. TECO further sought a declaration that Empire's proposed nonregulated sale of electricity to MacDill would be inconsistent with state law and prior rulings to this Commission governing the provision of electric service. Thereafter, both Empire and MacDill intervened. Empire later petitioned for a declaratory statement on its own behalf.

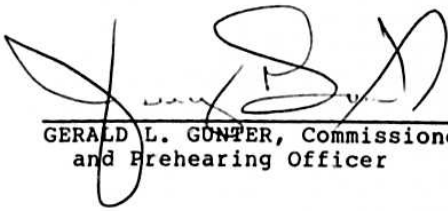
Rule 25-22.022, Florida Administrative Code, states that oral argument or rebuttal to Staff recommendation regarding such petitions are inappropriate to declaratory statement proceedings. The parties in this docket have filed extensive briefs for the Commission's consideration. Each party also filed a reply brief.

It does not appear that oral argument would aid the Commission in its decision.

It is, therefore,

ORDERED that the request for oral argument filed by Tampa Electric Company is denied.

By ORDER of Commissioner Gerald L. Gunter, as Prehearing Officer, this 2nd day of MAY, 1989.



GERALD L. GUNTER, Commissioner
and Prehearing Officer

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