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ORIGINAL
FILE COPY

July 16, 1997

HAND DELIVERED

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

Re: Determination of appropriate cost allocation and regulatory treatment of total revenues associated with wholesale sales to Florida Municipal Power Agency and City of Lakeland by Tampa Electric Company;
FPSC Docket No. 970171-EU

Dear Ms. Bayo:

Enclosed for filing in the above docket, on behalf of Tampa Electric Company, are the original and fifteen (15) copies of each of the following:

1. Motion for Leave to File Supplemental Brief. 07031-07
2. Tampa Electric Company's Supplemental Brief. 07082-77

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

ACK

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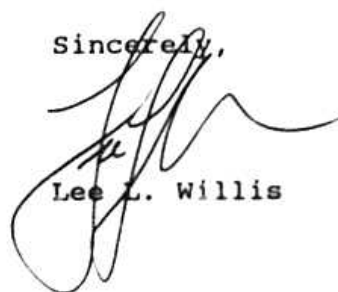
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Thank you for your assistance in connection with this matter.

Sincerely,



Lee L. Willis

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

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EPSC-BUREAU OF RECORDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

4, 13, 16, 100, 11

In re: Determination of appropriate)
cost allocation and regulatory)
treatment of total revenues associated)
with wholesale sales to Florida)
Municipal Power Agency and City of)
Lakeland by Tampa Electric Company.)

DOCKET NO. 970171-EU
FILED: July 16, 1997

MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF

Tampa Electric Company ("Tampa Electric" or "the company") files this its Motion for Leave to File a Supplemental Brief in this matter, and says:

1. The procedural schedule set in this matter called for the filing of simultaneous briefs on July 7, 1997.

2. Office of Public Counsel ("OPC"), Florida Industrial Power Users Group ("FIPUG") and Tampa Electric filed briefs on the due date.

3. At the issue identification stage of this proceeding OPC raised a legal issue which was later identified as Issue 9 in the Prehearing Order as follows:

Would the Commission exceed its jurisdiction if it were to allow Tampa Electric Company to earn a return through retail rates for its wholesale sales to the Florida Municipal Power Agency and to the City of Lakeland?

4. OPC's brief filed July 7, 1997 presents cases and arguments which have not been previously presented in this docket. Consequently, Tampa Electric has not had an opportunity to respond fully.

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5. Thus, while the company responded to the matters raised and cases cited in OPC's positions on Issue 9 included in the Prehearing Order, OPC's brief contains new material which could not be addressed until OPC's brief was filed.

6. Tampa Electric does not make this motion lightly. There are a number of positions on factual issues taken in the briefs filed by OPC and FIPUG to which Tampa Electric would like to respond. However, we recognize that there must be some finality with regard to issues of fact. Issues of law present a different situation. It is imperative that the Commission have at its disposal all of the pertinent legal authority with respect to any legal issue pending before this Commission. Therefore, the supplement to Tampa Electric's brief is very narrowly focused and limited in providing additional legal authority necessary for a complete assessment of the matters raised in Issue No. 9.

7. Tampa Electric's supplemental brief, submitted simultaneously herewith cites authorities which demonstrate there is no collision course between state and federal jurisdiction with respect to Tampa Electric's proposal submitted in this case. Wholesale rates are set by the Federal Energy Regulatory Commission ("FERC") and retail rates are set by this Commission. There is absolutely no conflict in these respective jurisdictions occasioned by Tampa Electric's proposal in this case.

WHEREFORE, Tampa Electric requests that the Prehearing Officer allow the submission of Tampa Electric's supplemental brief on the legal issue identified as Issue 9 in this proceeding.

DATED this 16th day of July, 1997.

Respectfully submitted,

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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Leave to File Supplemental Brief, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 16th day of July 1997 to the following:

Ms. Leslie Paugh*
Staff Counsel
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