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December 2, 1997

ORIGINAL  
By Hand Delivery

Blanca S. Bayó, Director  
Records and Reporting  
Florida Public Service Commission  
4075 Esplanade Way, Room 110  
Tallahassee, Florida 32399-0850

**Re: Petition of IMC-Agrico Company for a Declaratory Statement Confirming  
Non-Jurisdictional Nature of Planned Self-Generation  
Docket No. 971313-EU**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company are the original and fifteen (15) copies of Motion to Address the Commission in Docket No. 971313-EU. Also enclosed is an additional copy of the motion which we request that you stamp and return to our runner.

If you or your Staff have any questions regarding this filing, please contact me at 222-2300.

- ACK
- AFA \_\_\_\_\_
- APP 3
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG 3
- LEG \_\_\_\_\_
- LIN 5
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

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FPSC-BUREAU OF RECORDS

Very truly yours,

Charles A. Guyton

DOCUMENT NUMBER - DATE

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Miami  
305.577.7000  
305.577.7001 Fax

West Palm Beach  
561.650.7200  
561.655.1509 Fax

Key West  
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305.292.7271 Fax  
562.051.4105  
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FPSC RECORDS REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition of IMC-Agrico Company )  
for a Declaratory Statement Confirming )  
Non-Jurisdictional Nature of Planned )  
Self-Generation )**

**Docket No. 971313-EU  
Filed: December 2, 1997**

ORIGINAL

**FLORIDA POWER & LIGHT COMPANY'S  
MOTION TO ADDRESS THE COMMISSION**

Pursuant to Rule 25-22.037(2), F.A.C., Florida Power & Light Company ("FPL") moves the Commission for permission to address the Commission regarding the issues raised by the declaratory statement petition filed by IMC-Agrico ("IMCA") in this proceeding. FPL respectfully submits that its participation in the Agenda Conference in which IMCA's petition is considered will facilitate the Commission's deliberation of the issues raised by IMCA.

On November 19, 1997, FPL filed a petition to intervene in this proceeding and as alternative relief sought to participate amicus curiae. On November 24, 1997 FPL filed an amicus curiae memorandum addressing the substantive deficiencies in the IMCA petition.

FPL seeks to address the Commission to (a) urge the Commission to deny the declaratory statement petition on the grounds that it seeks a declaratory statement as to third parties and that it seeks a general policy determination, (b) discuss the several questions before the Commission that are of great concern to FPL, (c) address the sophisticated attempt by an aggressive non-utility generator (affiliated with an out of state utility) to make a retail sale in Florida, and (d) explain how a careful reading of the petition, both as to what it says and does not say, as well as a thorough review of your prior decisions in this area demonstrate that the transaction outlined by

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IMCA is a retail sale which should give rise to public utility status, Commission regulation and an immediate territorial dispute.

Wherefore, FPL's request to address the Commission as an amicus curiae participant should be granted.

Respectfully submitted,

Steel Hector & Davis LLP  
215 S. Monroe St., Suite 601  
Tallahassee, Florida 32301  
Attorneys for Florida Power  
& Light Company

By:   
Charles A. Guyton

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Motion to Address the Commission was served by Hand Delivery (when indicated with an \*) or mailed this 2nd day of December, 1997 to the following:

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