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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 Duke Mulberry Energy, L.P. and IMC-Argico Company for a
Declaratory Statement Concerning Eligibility to Obtain Determination of
Need Pursuant to Section 403.519, Florida Statutes
Docket No. 971337-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. 971337-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

ATTN: Bell

RECEIVED & FILED

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FIDELITY & SECURITY ASSURANCE COMPANY OF FLORIDA

Very truly yours,

Charles A. Guyton

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WAS Main 305-577-7000
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DOCUMENTS DATE

Key West 12280 DEC-25
305-291-1111
305-292-2227 Fax
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition Duke Mulberry Energy, L.P.)
and IMC-Agrico Company for a Declaratory)
Statement Concerning Eligibility To Obtain)
Determination of Need Pursuant to)
Section 403.519, Florida Statutes)

Docket No. 971337-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 Duke Mulberry Energy, L.P. ("Duke Mulberry") and IMC-Agrico ("IMCA") in this proceeding. FPL respectfully submits that its participation in the Agenda Conference in which Duke Mulberry/IMCA's petition is considered will facilitate the Commission's deliberation of the issues raised by Duke Mulberry/IMCA.

FPL filed on December 1, 1997 a motion seeking to file an amicus curiae legal memorandum addressing the issues raised in the Duke Mulberry/IMCA petition. At the same time FPL filed its amicus curiae legal memorandum.

FPL seeks to address the Commission to (a) facilitate the discussion of the numerous precedents identified in its legal memorandum which were not raised by Duke Mulberry/IMCA in their petition, (b) urge the Commission to deny the requested declaratory statement on the grounds that it seeks a general policy determination, (c) discuss the several Commission and Supreme Court decisions directly on point contrary to the declaratory statement sought by Duke Mulberry/IMCA, (d) address the Commission's nine years of consistent interpretation of the Siting Act and how the requested declaratory statement is inconsistent with that large body of

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decisional law, (e) address the reliance of Duke Mulberry/IMCA on overturned decisions and their selective, misleading quotation from an applicable decision, (f) to address Duke Mulberry/IMCA's failure to acknowledge and discuss the utility specific criteria for need determinations in Section 403.519, and (g) address how the requested declaratory statement will frustrate the operation of the Siting Act.

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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