

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of 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-EI
FILED: December 10, 1997

**TAMPA ELECTRIC COMPANY'S MEMORANDUM IN OPPOSITION
TO IMC-AGRICO COMPANY'S MOTION TO STRIKE
TAMPA ELECTRIC COMPANY'S RESPONSE**

Tampa Electric Company ("Tampa Electric" or "the company") submits this its Memorandum in Opposition to IMC-Agrico Company's ("IMCA's") Motion to Strike Tampa Electric Company's Response, and says:

1. An intervenor may fully participate in a proceeding before the Commission without regard to whether an answer is filed. Tampa Electric's response in this regard was submitted in an effort to define the issues from Tampa Electric's perspective.

2. Under the Commission's rule on intervention any substantially affected person may file a petition up to at least five days before the final hearing. Tampa Electric complied with this requirement and its response should be accepted by the Commission as setting forth the company's positions on the issues presented.

WHEREFORE, Tampa Electric submits the foregoing as its Memorandum in Opposition to IMCA's Motion to Strike Tampa Electric Company's Response.


DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DATED this 10th day of December, 1997.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Memorandum in Opposition, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 10th day of December, 1997 to the following:

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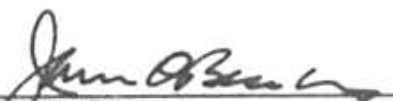
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