

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 DUKE MULBERRY ENERGY L.P.'S
MOTION TO DISMISS PETITION FOR LEAVE TO INTERVENE**

Tampa Electric Company ("Tampa Electric" or "the company") submits this its Memorandum in Opposition to Duke Mulberry Energy, L.P.'s ("Duke's") Motion to Dismiss Tampa Electric Company's Petition for Leave to Intervene and Request for Hearing and, as grounds therefor, says:

1. Duke's Motion to Dismiss merely denies, but does not lessen, the substantial interests described in Tampa Electric's Petition for Leave to Intervene. That petition sets for a detailed basis for the substantial interests Tampa Electric has at stake in this proceeding and the allegations of the petition are incorporated herein by reference.

2. With regard to Tampa Electric's request for a Section 120.57(2) hearing, the company believes that such an expedited informal proceeding would enable the Commission to be fully informed and facilitate an efficient and proper disposition of the issues presented.

WHEREFORE, Tampa Electric Company submits the foregoing Memorandum in Opposition to Duke's Motion to Dismiss the company's Petition for Leave to Intervene and Request for Hearing.

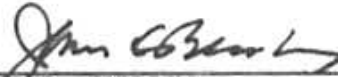
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FPSC-RECORDS/REPORTING

DATED this 10th day of December, 1997.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(904) 224-9115

HARRY W. LONG, JR.
TECO Energy, Inc.
Post Office Box 111
Tampa, Florida 33601-0111

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

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:

Mr. Richard Bellak*
Staff Counsel
Division of Appeals
Florida Public Service
Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Robert Scheffel Wright
Landers & Parsons, P.A.
310 West College Avenue
Post Office Box 271
Tallahassee, FL 32302

Mr. John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A.
Post Office Box 3350
100 North Tampa Street
Tampa, FL 33602-5126

Mr. Joseph A. McGlothlin
Ms. Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A.
117 South Gadsden Street
Tallahassee, FL 32301

Mr. James A. McGee
Mr. Jeff Froeschle
Florida Power Corporation
Post Office Box 14042
St. Petersburg, FL 33733-4042

Mr. Charles A. Guyton
Florida Power & Light Company
215 South Monroe, Suite 601
Tallahassee, FL 32301-1804

Mr. Gary L. Sasso
Carlton, Fields, Ward,
Emmanuel, Smith & Cutler P.A.
Post Office Box 2861
St. Petersburg, FL 33731

Mr. Steven F. Davis
IMC-Agrico Company
Post Office Box 2000
3095 County Road 640 West
Mulberry, FL 33860



ATTORNEY