

AUSLEY & MCMULLEN ORIGINAL

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7860

January 23, 1998

BY HAND DELIVERY

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

Re: Petition of IMC-Agrico Company for a Declaratory
statement Confirming Non-Jurisdictional Nature of Planned
Self-Generation; Docket No. [REDACTED] 2U

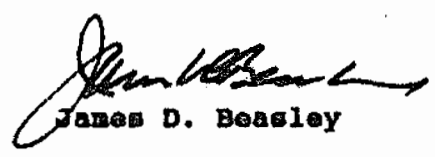
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and
fifteen (15) copies of Tampa Electric Company's Motion for
Expedited Discovery Responses.


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

Thank you for your assistance in this matter.

Sincerely,


James D. Beasley

- ACK
- AFA _____
- APP Bellech
- CAF _____
- CMU JDB/bjm
- CTR Enclosures
- EAG _____
- LEG _____
- LIN 5
- OPC _____
- RCH _____
- SEC I
- WAS _____
- OTH _____

RECEIVED & FILED

BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
01200 JAN 23 1998
FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of IMC-Agrico Company)
for a Declaratory Statement Confirming)
Non-Jurisdictional Nature of Planned) DOCKET NO. 971313-EU
Self-Generation.) FILED: January 23, 1998

**TAMPA ELECTRIC COMPANY'S
MOTION FOR EXPEDITED DISCOVERY RESPONSE**

Tampa Electric Company ("Tampa Electric" or "the company") moves the Commission for an expedited discovery schedule in the above docket and, as grounds therefor, says:

1. At the December 16, 1997 Agenda Conference discussion of this docket the Commission voted to conduct a hearing pursuant to Section 120.57(1), Florida Statutes. IMCA asked that the hearing be conducted on an expedited basis.

2. IMCA's request for an expedited schedule apparently has been honored by the Commission. Tampa Electric has received a Case Assignment and Scheduling Record (Attachment "A") indicating that the hearing in this proceeding will be conducted March 17 and 18, 1998. The CASR would require Tampa Electric to submit testimony on February 17, 1998.

3. On January 21, 1998 Tampa Electric served IMCA a First Request for Production of Documents and First Set of Interrogatories. In these discovery requests Tampa Electric requested that IMCA notify the company of any objections within three days of service and respond to the discovery requests within ten days of service. The company further requested that IMCA

DOCUMENT NUMBER-DATE

01283 JAN 23 88

FPSC-RECORDS/REPORTING

advise counsel for Tampa Electric within three days of service as to whether IMCA would agree to comply with the requested schedule for objections and/or responses. While Tampa Electric's requested schedule for expedited discovery responses is ambitious, it is dictated by the expedited hearing schedule IMCA itself has asked for and been afforded. Tampa Electric's pending discovery requests seek precisely the type of factual information the Commission will need to evaluate in order to determine whether the proposed Project will effect impermissible retail sales.

4. On January 22, 1998 Tampa Electric was advised by counsel for IMCA that, in the absence of a procedural order, the normal rules governing discovery time frames are applicable. IMCA further indicated that it would do its best to respond as quickly as possible to Tampa Electric's discovery requests. (See Attachment "B")

5. If IMCA responds to Tampa Electric's discovery requests within the normal time frame, Tampa Electric will not receive any responses to its discovery requests until after the due date for intervenor testimony. In effect Tampa Electric would be denied the benefit of any discovery for use in preparing its direct testimony. Moreover, the purpose for the scheduled evidentiary hearing -- to ascertain facts regarding IMCA's proposed Project and how it will operate -- will be frustrated.


6. In consideration of the foregoing Tampa Electric respectfully requests that the Commission direct IMCA to comply with the discovery schedule requested in Tampa Electric's First

Request for Production of Documents and First Set of Interrogatories in order to enable Tampa Electric to have a meaningful opportunity to consider the requested information in preparing its direct testimony. Alternatively, Tampa Electric requests that the procedural schedule of events outlined in the CASR for this docket be revised or suspended to the extent necessary to afford Tampa Electric a reasonable opportunity to obtain and analyze IMCA's responses to Tampa Electric's pending discovery requests, to schedule and conduct any necessary depositions or other follow-up discovery, and to use the information gathered in this discovery in preparing the Company's direct testimony.

WHEREFORE, Tampa Electric moves the Commission to require expedited discovery responses in the manner described above.

DATED this 23rd day of January, 1998.

Respectfully submitted,



L. L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

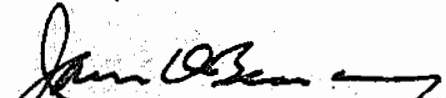
I HEREBY CERTIFY that a true copy of the foregoing Motion for Expedited Discovery Responses has been furnished by U. S. Mail or hand delivery (*) this 23rd day of January, 1998 to the following:

Mr. Richard Bellak*
Staff Attorney
Division of Appeals
Florida Public Service
Commission
Gerald L. Gunter Bldg. #301F
1540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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



ATTORNEY

TBC071313.mxd

Proposed Case Assignment and Scheduling Record Revision

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971313-EU Date Docketed: 10/10/1997 Title: Petition by IMC-Agrico Company for declaratory statement confirming non-jurisdictional nature of planned self-generation.
Company: IMC-Agrico Company

Official Filing Date: _____
Last Day to Suspend: _____ Expiration: _____

Referred to: _____
("()" indicates OPR) ADH AFA (APP) CAF CMU EAG GCL LEG RAR RRR WAW
X X

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B8(a)

* Events completed; therefore unavailable for revision

<u>Staff Assignments</u>	
<u>OPR Staff</u>	<u>R Bellak</u>
<u>Staff Counsel</u>	<u>R Bellak</u>
<u>OCRs ()</u>	_____
<u>()</u>	_____
<u>()</u>	_____
<u>()</u>	_____

Current CASR revision level

Due Dates

2

Current Proposed

1. *FAW Notice Filed	10/28/1997	XXXXXXXXXX
2. *Notice to JAPC	10/28/1997	XXXXXXXXXX
3. *Staff Recommendation	12/04/1997	XXXXXXXXXX
4. *Agenda - Regular	12/16/1997	XXXXXXXXXX
5. *Standard Order	01/05/1998	XXXXXXXXXX
6. Order Establishing Procedure	01/21/1998	
7. Draft Issues Due	02/02/1998	
8. Issue Identification	02/05/1998	
9. Testimony - Petitioner	02/10/1998	
10. Testimony - Intervenor	02/17/1998	
11. FAW Notice Filed	02/17/1998	
12. Testimony - Staff	02/23/1998	
13. Prehearing Statements	02/25/1998	
14. Notice of Prehearing and Hearing	02/26/1998	
15. Testimony - Rebuttal	02/27/1998	
16. Prehearing	03/06/1998	
17. Transcripts Due - Prehearing	03/11/1998	
18. Prehearing Order	03/11/1998	
19. Hearing 3/17-18/98	03/17/1998	
20. Transcripts Due - Hearing	03/31/1998	
21. Briefs Due	04/20/1998	
22. STAFF Recommendation	05/07/1998	
23. Agenda - Regular	05/19/1998	
24. Standard Order	05/28/1998	
25. Close Docket or Revise CASR	07/08/1998	
26.		

Recommended assignments for hearing and/or deciding this case:

- Full Commission X
- Commission Panel ---
- Hearing Examiner ---
- Staff ---

This case (will) (will not) require a hearing. to be held at: (location)

Transcript delivery time recommended:

Normal --- Expedited --- Daily Copy ---

REASON FOR REVISION

ATTACHMENT "A"

SUBMITTED BY OPR-APP: _____

STAFF COUNSEL (APP): _____

DATE: _____

OCR INITIALS (EAG): _____

(): _____

(): _____

(): _____

LAW OFFICES
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CABLE GRANDLAW

PLEASE REPLY TO:
TALLAHASSEE

January 22, 1998

TALLAHASSEE OFFICE
117 S. GADSDEN
TALLAHASSEE, FLORIDA 32301
TELEPHONE (850) 222-2525
FAX (850) 222-3606

VIA HAND DELIVERY

James D. Beasley
Ausley & McMullen
227 South Calhoun Street
Tallahassee, Florida 32301

Re: Docket No. 971313-EU

Dear Jim:

We have received your discovery in the above docket as well as your request that IMCA object to any such discovery within 3 days and provide answers within 10 days. So far as I am aware, no procedural order has yet been entered in this case; thus, the normal rules governing discovery timeframes are applicable.

Further, the length of TECO's requests and the amount of detail sought make TECO's suggested discovery deadlines unreasonable. Nonetheless, IMCA will do its best to respond as quickly as possible to TECO's discovery.

If you have any questions, please contact me.

Sincerely,



Vicki Gordon Kaufman

VGK/pw

RECEIVED

JAN 22 1998

ATTACHMENT "B"

AUSLEY & McMULLEN