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ORIGINAL

January 28, 1998

HAND DELIVERED

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

Re: Petition of IMC-Agrico Company for a Declaratory Statement Confirming Non-Jurisdictional Nature of Planned Self-Generation; FPSC Docket No. [redacted]

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Response to Motions for Reconsideration filed on behalf of Florida Global Citrus, Ltd. and Florida Industrial Cogenerators Association.

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

Thank you for your assistance in connection with this matter.

Sincerely,

James D. Beasley

JDB/pp
Enclosures

cc: All Parties of Record (w/enc.)

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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: January 28, 1998

TAMPA ELECTRIC COMPANY'S RESPONSE TO MOTIONS FOR RECONSIDERATION FILED ON BEHALF OF FLORIDA GLOBAL CITRUS, LTD. AND FLORIDA INDUSTRIAL COGENERATORS ASSOCIATION

Pursuant to Rule 25-22.0367, Florida Administrative Code, Tampa Electric submits this its Response to the separate Motions for Reconsideration filed on behalf of Florida Global Citrus, Ltd. ("FGC") and Florida Industrial Cogenerators Association ("FICA") on January 22 and January 23, 1998, respectively:

1. The Petitions for Leave to Intervene filed on behalf of FICA and FGC were very brief and only stated in a very general way the alleged interests of petitioners. First, petitioners contended that resolution of the issues in this docket would somehow define the range of future capital financing mechanisms available to industry. FICA's Petition for Leave to Intervene briefly mentioned the potential impact of this decision upon electric system reliability. FGC's Petition translated this into enhancing FGC's possibility of obtaining interruptible service.

2. Petitioners' concern about the future effects of this proceeding is purely speculative. Moreover, FGC's alleged interest in enhancing its ability to take advantage of lower priced interruptible service is not within the zone of interests this proceeding is designed to protect. An industrial customer has no

valid interest in fostering uneconomic duplication of utility facilities in order to insure a plentiful supply of interruptible power. In granting intervention to Tampa Electric, FPC and PRECO, the Commission acknowledged its jurisdiction under Chapter 366 to prevent the uneconomic duplication of utility facilities. That is what this proceeding is all about -- not enhancing an industrial customer's prospects for attaining lower cost interruptible service.

3. The arguments set forth in the Petitions for Leave to Intervene filed by FICA and FGC were carefully considered by the Commission at its December 16, 1997 Agenda Conference discussion of this matter. The Commission's decision to afford these two entities amicus participation was a reasonable exercise of the Commission's discretion and should not be disturbed.

4. The Motions for Reconsideration filed on behalf of FICA and FGC are some ten pages in length each. While the Motions for Reconsideration embellish the matters asserted in the earlier Petitions for Intervention, the sum and substance of the Motions for Reconsideration is to reargue the interests vaguely identified in the Petitions for Leave to Intervene. Their effort, again, is to make this a generic hearing with a focus on all future potential transactions rather than focusing on the specific project IMCA and DEPS seek to pursue. As such, the Motions for Reconsideration should be denied as constituting a mere reargument of the matters presented by FICA and FGC in their earlier petitions. The purpose of a petition for rehearing is merely to bring to the attention of

the trial court or administrative agency some point that was overlooked or which the agency failed to consider when it rendered its order in the first instance. Diamond Cab Company of Miami v. King, 146 So.2d 889 (Fla. 1962) The Commission's well reasoned decision not to permit intervention by FICA or FGC should not be disturbed.

WHEREFORE, Tampa Electric Company submits the foregoing as its response to the separate Motions for Reconsideration filed on behalf of FICA and FGC.

DATED this 28th day of January, 1998.

Respectfully submitted,

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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Response to Motions for Reconsideration of FGC and FICA, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) this 26th day of January, 1998 to the following:

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