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RECORDS AND
REPORTING

August 3, 1998

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
2540 Shumard Oak Boulevard
Tallahassee, FL 32388-0850

Re: Adoption of Numeric Conservation Goals by Tampa Electric Company
FPSC Docket No. 971007-EG

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Memorandum in Opposition to Legal Environmental Assistance Foundation's Motion for Procedural Order.

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
James D. Beasley

RECEIVED & FILED

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Enclosures

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

DOCUMENT NUMBER - DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Adoption of Numeric Conservation Goals by Tampa Electric Company.)
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DOCKET NO. 971007-EG
FILED: August 3, 1998

**TAMPA ELECTRIC COMPANY'S MEMORANDUM IN
OPPOSITION TO LEGAL ENVIRONMENTAL ASSISTANCE
FOUNDATION'S MOTION FOR PROCEDURAL ORDER**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Fla. Admin. Code Rule 25-22.037(2)(b), files this its Memorandum in Opposition to the above-referenced motion by the Legal Environmental Assistance Foundation ("LEAF") and says:

1. LEAF's motion requests a procedural order, something which has already been issued on March 10, 1998. Rather than a procedural request, LEAF's motion appears to be more of a request that the Commission dictate which conservation measures are required to be evaluated. This is the stated intent of the filing on page 2 of LEAF's Brief in support of its motion. LEAF goes on to state that in a subsequent motion it will ask the Commission to prescribe how conservation measures are to be tested. These appear to be more substantive inputs than procedural.

2. Paragraph 1e. in Attachment A to LEAF's motion would require on the front end that the utilities address measures which LEAF considers viable measures. Again, this is an effort to dictate the content of a utility's direct testimony and exhibits.

3. This docket already has a schedule calling for utility proposed numeric goals to be filed on February 1, 1999 along with testimony and exhibits. LEAF, as an intervenor, will have

a full opportunity to file direct testimony and exhibits in late March of next year. Arguably, this will be the appropriate time for LEAF to indicate which measures they feel merit analysis.

4. LEAF's motion does not give effect to the foundation laid in the last goals proceeding in 1993 and 1994 to the effect that the utilities ought to utilize demand and energy savings that are Florida climate specific. Here, some four to five years later, LEAF is offering its same list of measures from the earlier proceeding with no Florida specific demand or energy analysis to indicate which of the measures may be appropriate for Florida utilities. It would appear only reasonable to require that LEAF provide Florida specific data on any measures it desires to have evaluated. Absent Florida specific data, the parties would be relegated to reliving the lengthy 1993-1994 goal setting process. The parties should build on their experience from that proceeding and not attempt to "reinvent the wheel."

5. Tampa Electric submits there is no basis to alter the schedule of events in this docket. All parties have experience from previous lengthy hearings to set conservation goals and should be able to move forward prudently under the existing schedule.

WHEREFORE, Tampa Electric Company submits that the current procedural schedule is appropriate and should be allowed to go forward without the substantive modifications sought by LEAF.

DATED this 31st day of August, 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 Memorandum in Opposition, filed on behalf of Tampa Electric Company, has been furnished by hand delivery (*) or U. S. Mail on this 30 day of August, 1998.

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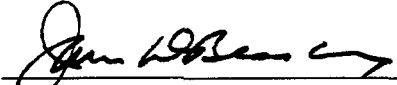
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