

ORIGINAL

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August 21, 1998

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

Re: Petition by Tampa Electric Company for Approval of Cost Recovery for a new Environmental Program, the Big Bend Units 1 and 2 Flue Gas Desulfurization System; FPSC Docket No. 980693-E1

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 the Legal Environmental Assistants Foundation's Motion to Dismiss.

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

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ENC Enclosures  
cc: All Parties of Record (w/enc.)  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Tampa Electric )  
Company for Approval of Cost Recovery )  
for a new Environmental Program, the )  
Big Bend Units 1 and 2 Flue Gas )  
Desulfurization System. )

DOCKET NO. 980693-EI  
FILED: August 21, 1998

**TAMPA ELECTRIC COMPANY'S  
MEMORANDUM IN OPPOSITION TO THE  
LEGAL ENVIRONMENTAL ASSISTANTS FOUNDATION'S MOTION TO DISMISS**

Tampa Electric Company ("Tampa Electric" or "the company") files this its Memorandum in Opposition to the Motion to Dismiss filed in this proceeding on behalf of the Legal Environmental Assistants Foundation ("LEAF") on August 14, 1998, and says:

1. LEAF's Motion to Dismiss simply joins in and adopts the background presented and the arguments made in the Motion of the Florida Industrial Power Users Group ("FIPUG") filed July 23, 1998 and adopts the background presented and the arguments made in the suggestion filed by the Office of Public Counsel.

2. Tampa Electric incorporates herein by reference the matters presented in the company's Memorandum in Opposition to FIPUG's Motion to Dismiss and in Tampa Electric's response to OPC's Suggestion for Dismissal.

3. The matters set forth in the company's above-referenced pleadings, likewise, support denial of LEAF's Motion to Dismiss.


WHEREFORE, Tampa Electric urges that LEAF's Motion to Dismiss be denied.

RECEIVED AT THE OFFICE OF THE CLERK

1998 AUG 21 9

DATED this 21st day of August, 1998.

Respectfully submitted,

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

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 21<sup>st</sup> day of August 1998 to the following:

Ms. Grace Jaye\*  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
Room 390L - Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. John W. McWhirter, Jr.  
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Davidson, Rief & Bakas, P.A.  
Post Office Box 3350  
Tampa, Florida 33601

Ms. Gail Kamaras\*  
Legal Environmental Assistance Foundation  
1114-E Thomasville Road  
Tallahassee, FL 32303-6290

Mr. Joseph A. McGlothlin  
Ms. Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
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117 South Gadsden Street  
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Mr. Roger Howe  
Office of Public Counsel  
111 W. Madison Street, #812  
Tallahassee, FL 32399-1400

  
ATTORNEY