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10/19/98

October 19, 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 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 FIPUG's Motion to Reopen the Record

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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116312 10/19/98

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: October 19, 1998

**TAMPA ELECTRIC COMPANY'S MEMORANDUM IN OPPOSITION
TO FIPUG'S MOTION TO REOPEN THE RECORD**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Florida Administrative Code Rule 25-22.037(2)b, submits this its Memorandum in Opposition to the October 12, 1998 Motion to Reopen the Record filed on behalf of the Florida Industrial Power Users Group (FIPUG).

1. FIPUG's Motion to Reopen the Record appears to be premised on the same erroneous point FIPUG raised in its failed Motion to Dismiss Tampa Electric's Petition in this proceeding that a utility must present an overall environmental compliance plan as a prerequisite to seeking approval of cost recovery for a particular environmental compliance activity under Section 366.8255, Fla. Stat. That argument was specifically rejected by this Commission in its Order Denying Motions to Dismiss in this proceeding.¹

2. Even if a NOX compliance activity description were required in a proceeding under Section 366.8255, Fla. Stat. (which is not the case), the fact of the matter is the record in this proceeding already contains Tampa Electric's description of the means by which it plans to comply with Clean Air Act Amendment ("CAAA") NOX requirements. Tampa Electric witness Black,

¹ Order No. PSC-98-1260-PCO-EI issued September 22, 1998.

responding to questions from Mr. McWhirter, described in detail the company's ongoing negotiations with the Environmental Protection Agency regarding NOX compliance, beginning at transcript page 62. Witness Black went on to describe the company's combustion modifications and classification equipment replacement, including estimates of the cost of such compliance activities (Tr. 62-64, 67). Finally, Mr. Black stated on page 64 of the hearing transcript that:

The technologies we utilize for NOX control are totally separate from those we are employing for SO2 control. and the approach we're taking on our NOX compliance has no effect on the options that we would select with respect to our SO2 compliance.

Witness Black's description of these activities is entirely consistent with the testimony filed in Docket No. 980007-EL.

3. In light of the facts discussed above, FIPUG has demonstrated no need to reopen the record in this proceeding and FIPUG's Motion should be denied.

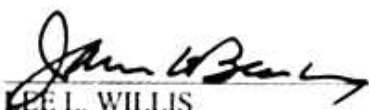
WHEREFORE Tampa Electric submits the foregoing as its Memorandum in Opposition to FIPUG's Motion to reopen the record.

DATED this 19th day of October, 1998.

Respectfully submitted,

HARRY W. LONG, JR
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and


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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Response, filed on behalf of Tampa Electric Company, has been furnished by hand delivery (*) or U. S. Mail on this 19th day of October, 1998 to the following:

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