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RECORDS AND REPORTING

January 14, 1999

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: FPSC Docket No. 980569-PU

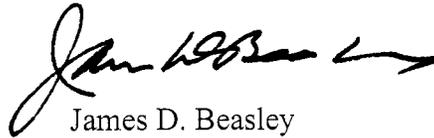
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Request for Hearing.

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

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APP 1 _____
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CTR _____ Enclosures
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendments to Rule)
 25-4.002, F.A.C., Application and Scope;)
 25-4.141, Minimum Filing Requirements)
 for Rate of Return Regulated Local)
 Exchange Companies; Commission)
 Designee; 25-4.202, Construction and)
 Waivers; 25-24.455, Scope and Waiver;)
 25-6.002, Application and Scope; 25-6.043,)
 Investor-Owned Electric Utility Minimum)
 Filing Requirements; Commission Designee;)
 25-6.0438, Non-Firm Electric Service – Terms)
 and Conditions; 25-17.087, Interconnection)
 and Standards; 25-30.010, Rules for General)
 Application; 25-30.011, Application and Scope;)
 25-30.436, General Information and Instructions)
 Required of Class A and B Water and Wastewater)
 Utilities in an Application for Rate Increase;)
 25-30.450, Burden of Proof and Audit Provisions;)
 25-30.455, Staff Assistance in Rate Cases;)
 25-30.456, Staff Assistance in Alternative Rate)
 Setting; 25-30.570, Imputation of Contributions-)
 In-Aid-of-Construction; and 25-30.580,)
 Guidelines for Designing Service Availability.)
 _____)

DOCKET NO. 980569-PU
 FILED: January 14, 1999

**TAMPA ELECTRIC COMPANY'S
REQUEST FOR HEARING**

Pursuant to Section 120.54, Florida Statutes, and Fla. Admin. Code Rule 25-22.029(4) and Fla. Admin. Code Rule 28-106.111, Tampa Electric Company ("Tampa Electric" or "the company") files this its Request for Hearing asking that a hearing be convened pursuant to Section 120.57, Florida Statutes, and as grounds therefor, says:

DOCUMENT NUMBER - DATE

00536 JAN 14 99

FPSC-RECORDS/REPORTING

1. The name, address, telephone number and facsimile number of the Petitioner are:

Tampa Electric Company
Post Office Box 111
Tampa, FL 33602
(813) 228-4111
(813) 228-1770

2. The name, address, telephone number and facsimile number of the attorney and qualified representatives of the Petitioner are:

Lee L. Willis
James D. Beasley
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

Angela L. Llewellyn
Administrator, Regulatory Coordination
Tampa Electric Company
Post Office Box 111
Tampa, FL 33602

3. Tampa Electric is a Commission regulated electric utility company providing retail electric service to customers in Hillsborough and portions of Polk, Pinellas and Pasco Counties in Florida. On December 18, 1998 the Commission entered its Notice of Rulemaking Order No. PSC-98-1716-NOR-PU, proposing to repeal and amend various portions of the Commission's rules set forth in the Florida Administrative Code. The proposed repeals pertain to rule variances and waivers as well as general provisions for exceptions and for rule waivers.

4. Of particular concern to Tampa Electric is the proposed repeal of the following rule provisions:

(a) Rule 25-6.002(2) and (4). The subsections in question provide for modification or exemption from rule requirements in cases of unusual hardship or difficulty or under exceptional conditions.

(b) Rule 25-6.043(3). This subsection states that the Commission will waive the Commission's Minimum Filing Requirement ("MFR") rule for investor-owned electric

utilities upon a showing that data production would be impractical or impose an excessive economic burden on the utility.

(c) Rule 25-6.0438(9). This subsection provides that the Commission may waive any provision of its rule concerning non-firm electric service after notice to all affected customers.

5. Repeal of the above-listed rule provisions by definition would adversely affect the substantial interests of Tampa Electric and other Commission regulated investor-owned utilities. Repeal of Rule 25-6.002(2) and (4) would mandate an investor-owned utility's compliance with a rule even in cases of unusual hardship or difficulty or when exceptional conditions would otherwise warrant a modification or exemption of the rule requirement. Repeal of Rule 25-6.043(3) would require an investor-owned electric utility to produce MFR data even in situations where it would be impractical or when such production would impose an excessive economic burden on the utility. Finally, repeal of Rule 25-6.0438(9) would disallow waivers of the Commission's non-firm electric service rule even in situations where the same might be shown to be clearly justified. All of these results would adversely impact Tampa Electric, drive up its cost of providing electric service and, in the process, be harmful to Tampa Electric's customers.

6. Tampa Electric believes that repeal of the above-referenced rule provision is not necessary or required by the new rulemaking standard in Section 120.536, Florida Statutes. The company also asserts that Section 120.542, Florida Statutes, does not require all requests for variances and waivers to comply with the provision of that statute.

7. Repeal of the above rule provisions will destroy the flexibility in the existing rules and along with it the Commission's ability to avoid having the investor-owned electric utilities it regulates suffer hardships, impracticalities and excessive economic burdens. Such effect would

be harsh indeed as well as inconsistent with the legislative intent to encourage flexibility in the application of rules.

8. Tampa Electric received the Notice of Rulemaking order in this docket electronically on January 7, 1999. The Notice calls for requests for hearing and written comments no later than January 14, 1999.

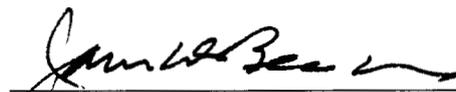
9. There are or may be disputed issues of material fact concerning the economic impact the proposed repeal of the above-referenced rule provisions will have on Tampa Electric, other electric investor-owned electric utility companies and the customers they serve.

10. The ultimate facts alleged are that it would be inappropriate for the Commission to repeal the above-referenced provisions of the Commission rules given the hardship and adverse economic impact such repeal would have on Tampa Electric and its customers.

WHEREFORE, Tampa Electric opposes the repeal of the above-referenced Commission rule provisions and requests that a hearing on the proposed repeals be convened pursuant to Section 120.57, Florida Statutes.

DATED this 14th day of January, 1999.

Respectfully submitted,



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

ATTORNEYS FOR TAMPA ELECTRIC COMPANY