

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Duke Mulberry)
Energy, L.P., and IMC-Agrico)
Company for a Declaratory)
Statement Concerning Eligibility)
to Obtain Determination of Need)
Pursuant to Section 403.519,)
Florida Statutes.)

DOCKET NO. 971337-EI
FILED: December 10, 1997

**TAMPA ELECTRIC COMPANY'S MEMORANDUM IN OPPOSITION
TO DUKE MULBERRY ENERGY L.P.'S
MOTION TO STRIKE TAMPA ELECTRIC COMPANY'S RESPONSE**

Tampa Electric Company ("Tampa Electric" or "the company") submits this its Memorandum in Opposition to Duke Mulberry Energy L.P.'s Motion to Strike the company's Response, and says:

1. An intervenor may fully participate in a proceeding before the Commission without regard to whether an answer is filed. Tampa Electric's response in this proceeding was submitted in an effort to define the issues from Tampa Electric's perspective and to assist the Commission in understanding the relative positions of the parties.

2. Under the Commission's rule on intervention any substantially affected person may file a petition up to at least five days before the final hearing. Tampa Electric complied with this requirement and its response should be accepted by the Commission as setting forth the company's positions on the issues presented.

WHEREFORE, Tampa Electric urges the Commission to deny Duke's Motion to Strike Tampa Electric's Response.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DATED this 10th day of December, 1997.

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 U. S. Mail or hand delivery (*) on this 10th day of December, 1997 to the following:

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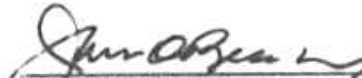
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