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PLEASE REPLY TO:  
TALLAHASSEE

February 2, 1998

VIA HAND DELIVERY

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

Re: Docket No. 971313-EI

Dear Ms. Bayó:

Enclosed are the original and 15 copies of IMC-Agrico's Preliminary List of issues in the above docket. Also enclosed is a diskette containing this document in WordPerfect 5.1 format.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Please contact me if you have any questions.

ACK \_\_\_\_\_ Thank you for your assistance.

AEA \_\_\_\_\_  
APP Rele Sincerely,

CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_ Vicki Gordon Kaufman

EAG 5 VGK/pw  
LEG \_\_\_\_\_ Encls.

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DOCUMENT NUMBER-DATE

01704 FEB-28

FPSC-RECORDS/REPORTING

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of IMC-Agrico Company	)	
for a Declaratory Statement Confirming	)	Docket No. 971313-EU
Non-Jurisdictional Nature of Planned	)	
Self-Generation.	)	Filed: February 2, 1998
_____)		

**IMC-AGRICO COMPANY'S PRELIMINARY LIST OF ISSUES**

IMC-Agrico Company (IMCA), in compliance with Order Establishing Procedure, Order No. PSC-98-0128-PCO-EU, submits the following preliminary list of proposed issues.

**I. Questions of Law**

1. Does the Commission have jurisdiction over self-generation?
2. Does the Commission have jurisdiction over an Exempt Wholesale Generator (EWG) which is below the Power Plant Siting Act threshold?
3. Does the law prohibit joint ownership of plant by a self-generator and an EWG?

**II. Questions of Fact:**

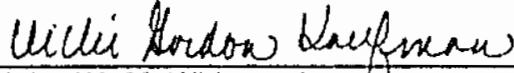
4. Does the IMCA component of the IMCA-DEPS proposed facility constitute self-generation?
5. Does IMCA have legitimate business and tax reasons for the organizational structure chosen for its self-generation proposal?

DOCUMENT NUMBER-DATE

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6. Is there a compelling public interest reason for the Commission to exercise jurisdiction over a private enterprise venture that imposes no cost on Florida's ratepayers?

  
\_\_\_\_\_

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Attorneys for IMC Agrico Company

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of **IMC-Agrico Company's** foregoing **Preliminary List of Issues** has been furnished by U.S. Mail, Hand Delivery( \*) or Federal Express(\*\*) this **2nd day of February, 1998**, to the following:

**Richard Bellak\***  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Room 301F  
Tallahassee, Florida 32399-0850

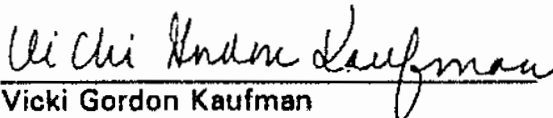
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