

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: October 15, 1997

REQUEST TO ADDRESS THE COMMISSION

Pursuant to Commission Rules 25-22.058 and 25-22.022(3), Florida Administrative Code, Duke Mulberry Energy, L.P. ("Duke" or "Duke Mulberry"), a Florida limited partnership, and IMC-Agrico Company ("IMCA"), a general partnership organized under the laws of the State of Delaware, hereby respectfully request the opportunity to address the Commission for the purpose of explaining their positions and answering the Commission's questions with respect to their Petition for Declaratory Statement filed simultaneously

ACK herewith.
AFA
APP While Duke Mulberry and IMCA are not requesting oral argument
CMF per se, in that the discussion need not be adversarial and
CMU argumentative, Duke Mulberry and IMCA submit that their Petition
CIT presents a case of first impression that raises significant issues
DCA with respect to the statutory basis for, and policy implications of,
DEC granting competitive wholesale power producers, such as Duke
Mulberry, as an Exempt Wholesale Generator, access to the
Commission's need determination process pursuant to Section 403.519,
Florida Statutes. Accordingly, Duke and IMCA believe that their
participation in the Commission's discussion of their Petition will

assist the Commission in comprehending and evaluating the issues raised therein.

WHEREFORE, IMCA and Duke Mulberry respectfully request the Commission to GRANT this request to address the Commission on the issues raised by their Petition for Declaratory Statement filed simultaneously herewith.

Respectfully submitted this 15th day of October, 1997.



ROBERT SCHEFFEL WRIGHT
Florida Bar No. 966721
LANDERS & PARSONS, P.A.
310 West College Avenue (ZIP 32301)
Post Office Box 271
Tallahassee, Florida 32302
Telephone: (850) 681-0311
Telecopier: (850) 224-5595

Attorneys for Duke Mulberry Energy, L.P.



JOSEPH A. MCGLOTHLIN
Florida Bar No. 163771
MCWHIRTER, REEVES, MCGLOTHLIN,
DAVIDSON, RIEF & BAKAS, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 222-2525
Telecopier: (850) 222-5606

and

JOHN W. MCWHIRTER, JR.
Florida Bar No. 053905
MCWHIRTER, REEVES, MCGLOTHLIN,
DAVIDSON, RIEF & BAKAS, P.A.
Post Office Box 3350
Tampa, Florida 33602
Telephone: (813) 224-0866
Telecopier: (813) 221-1854

Attorneys for IMC-Agrico Company