

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

October 8, 2008

HAND DELIVERED

RECEIVED-FPSC  
08 OCT - 8 PM 3: 58  
COMMISSION  
CLERK

Ms. Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Petition for Rate Increase by Tampa Electric Company  
FPSC Docket No. 080317-EI

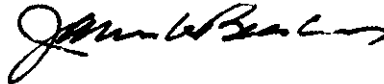
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Response and Objection to Staff's First Request for Admissions (Nos. 1-2).

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

COM \_\_\_\_\_ JDB/cd  
ECR \_\_\_\_\_ Enclosure  
GCL 2 cc: All Parties of Record (w/enc.)  
OPC \_\_\_\_\_  
RCP 1  
SSC 1  
SGA 2  
ADM \_\_\_\_\_  
CLK \_\_\_\_\_

DOCUMENT NUMBER-DATE

09523 OCT -8 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase )  
by Tampa Electric Company. )  
\_\_\_\_\_ )

DOCKET NO. 080317-EI

FILED: October 8, 2008

**RESPONSE AND OBJECTION TO STAFF'S FIRST REQUEST  
FOR ADMISSIONS TO TAMPA ELECTRIC COMPANY (NOS. 1 – 2)**

Tampa Electric Company (“Tampa Electric” or the “company”) files this its Response and Objections to Staff’s First Request for Admissions to Tampa Electric filed September 18, 2008 and says:

**Admission Request 1: Please refer to pages 27 – 29 of witness Gillette’s testimony: for purposes of this proceeding, no direct or indirect costs associated with TECO Energy’s investment in TPS merchant power projects and other unregulated operations should be included in the determination of the rates and charges of Tampa Electric Company.**

**Objection and Response:**

Tampa Electric objects to this request because it does not seek an admission regarding the truth of a statement or opinion of fact or the application of law to fact and because the phrase “direct or indirect costs associated with TECO Energy’s investment in TPS merchant power projects and other unregulated operations” is ambiguous. The company cannot truthfully admit or deny the matter, because the request does not identify any specific “direct or indirect costs associated with TECO Energy’s investment in TPS merchant power projects and other unregulated operations” that should not be “included in the determination of the rates and charges of Tampa Electric Company.”

DOCUMENT NUMBER-DATE

09523 OCT-8 8

FPSC-COMMISSION CLERK

Without waiving these objections, Tampa Electric admits that the Florida Public Service Commission has a long-standing regulatory policy that the effect of non-regulated operations and affiliates should not be included in the determination of the rates and charges of a utility. Tampa Electric believes that it has excluded the direct or indirect costs or benefits associated with TECO Energy's investments in TPS merchant power projects or any other unregulated operations from the rates proposed in this case.

**Admission Request 2: Please refer to pages 21 – 23 of witness Gillette's testimony: the \$77 million adjustment to increase the balance of common equity capital shown on line 10, column 5 of MFR Schedule D-1a, page 1 of 3 is not an actual equity investment made in the utility.**

**Response:** The company admits that the \$77 million adjustment referred to in the request is not an actual equity investment that has been made in the utility; however, the company notes that the FPSC has the authority to make appropriate regulatory adjustments and has approved similar adjustments for other utilities.

DATED this 8<sup>th</sup> day of October, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee L. Willis", written over a horizontal line.

LEE L. WILLIS  
JAMES D. BEASLEY  
KENNETH R. HART  
J. JEFFRY WAHLEN  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 080317-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Response and Objection to Staff's First request for Admissions to Tampa Electric Company (Nos. 1 – 2), filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 8th day of October, 2008 to the following:

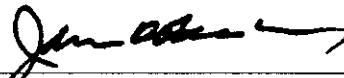
Keino Young/Martha Brown\*  
Jennifer Brubaker/Jean Hartman  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

J. R. Kelly/Patricia A. Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Robert Scheffel Wright  
John T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301

Vicki Gordon Kaufman  
Jon C. Moyle, Jr.  
Anchors Smith Grimsley  
118 North Gadsden Street  
Tallahassee, FL 32301

John W. McWhirter, Jr.  
McWhirter, Reeves & Davidson, P.A.  
Post Office Box 3350  
Tampa, FL 33601-3350

  
\_\_\_\_\_  
ATTORNEY

c:\docume~1\ppottle\locals~1\temp\xpgrpwise\080317 rsp obj staff  
1st req adm final.doc