

VOTE SHEET

December 15, 2009

Docket No. 090109-EI – Petition for approval of solar energy power purchase agreement between Tampa Electric Company and Energy 5.0, LLC. (Deferred from the October 27, 2009 Commission Conference, revised recommendation filed.)

Issue 1: Should the Commission approve the requested recovery for costs incurred under the negotiated Contract between TECO and Energy 5.0?

Recommendation: Yes. Staff recommends that TECO be authorized to recover the energy payments made to Energy 5.0, up to TECO's as-available energy rate, through TECO's annual fuel cost recovery factor. Staff considers any costs in excess of TECO's as-available energy cost to be associated with the purchase of environmental attributes or renewable energy credits (RECs) which are discussed in Issue 2.

DENIED *staff recommendation and adopt TECO and Energy 5.0 petition; Commissioner Skop dissents, contract cost exceeds levelized cost estimates.*

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

David E. Klement
[Signature]
Lynn Edger
[Signature]

nee a Skop

REMARKS/DISSENTING COMMENTS:

a dissenting opinion.

Commissioner Skop will be writing

DOCUMENT NUMBER-DATE

11961 DEC 15 09

Vote Sheet

December 15, 2009

Docket No. 090109-EI – Petition for approval of solar energy power purchase agreement between Tampa Electric Company and Energy 5.0, LLC. (Deferred from the December 1, 2009 Commission Conference, revised recommendation filed.)

(Continued from previous page)

Issue 2: Should the Commission approve cost recovery for payments, above avoided cost, incurred under the negotiated contract between TECO and Energy 5.0 for the purchase of environmental attributes and renewable energy credits?

Recommendation: No. Pursuant to Rule 25-17.0825(6), F.A.C., payments to a qualifying facility for as-available energy cannot result in higher cost electric service to the utility's general body of ratepayers. Staff recommends that the environmental attributes and RECs purchased should be the property of TECO, and any risk of profit or loss resulting from the sale of such attributes should be borne by TECO's stockholders.

DENIED *staff recommendation and adopt TECO and Energy 5.0 petition; Commission skip dissent, contract cost exceeds levelized cost estimates.*

Issue 3: Should this docket be closed?

Recommendation: Yes, this docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action.

APPROVED