



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: March 18, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Erik L. Sayler, Senior Attorney, Office of the General Counsel
RE: Docket No. 090109-EI - Petition for approval of solar energy power purchase agreement between Tampa Electric Company and Energy 5.0, LLC.

COMMISSION
CLERK

10 MAR 18 PM 2:07

RECEIVED-FPSC

Please place this memorandum and attachment containing staff's additional issues into the docket file.

On March 15, 2010, an Issue ID meeting was held with the parties of record. Staff and the parties discussed the Order Establishing Procedure's tentative list of issues and the attached list of additional issues raised by staff. Staff's list of additional issues are based upon a review of Commission's Proposed Agency Action Order (See Order No. PSC-10-0057-PAA-EI, issued January 25, 2010; order vacated by Order No. PSC-10-0138-PCO-EI, issued March 10, 2010), and the February 9, 2010, Agenda Conference transcript. The parties also raised additional issues which were discussed, some of which overlapped with Staff's additional issues. Staff and the parties agreed to schedule another Issue ID meeting for March 22, 2010, where the list of issues will be further developed.

ELS/th
Attachment

DOCUMENT NUMBER-DATE
01906 MAR 18 2010
FPSC-COMMISSION CLERK

Tentative List of Issues (OEP)

Issue 1: Should the Commission approve the requested recovery for costs incurred under the negotiated contract (“Contract”) between Tampa Electric Company (“TECO”) and Energy 5.0 (“Seller”) through the fuel and purchased power cost recovery clause?

Issue 2: Should the Commission approve cost recovery for payments, above avoided cost, incurred under the negotiated contract between Tampa Electric Company and Energy 5.0 for the purchase of environmental attributes and renewable energy credits through the fuel and purchased power cost recovery clause?

Additional Issues (Staff)

Issue : Was TECO’s RFP that resulted in the negotiated contract between TECO and Energy 5.0 conducted in a fair and reasonable fashion?

Issue : Did TECO’s RFP that culminated in the negotiated contract between TECO and Energy 5.0 result in the most cost-effective renewable resource being selected?

Issue : Should TECO be permitted to charge its retail ratepayers for transmission upgrades that are the result of the negotiated contract between TECO and Energy 5.0?

Issue : How should the Commission insure that TECO’s ratepayers are not overpaying for the negotiated contract between TECO and Energy 5.0?