

AUSLEY & MCMULLEN

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May 7, 2010

HAND DELIVERED

RECEIVED - FPSC
10 MAY - 7 PM 1:57
COMMISSION
CLERK

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

Re: Petition for approval of solar energy power purchase agreement between Tampa Electric Company and Energy 5.0 LLC; FPSC Docket No. 090109-EI

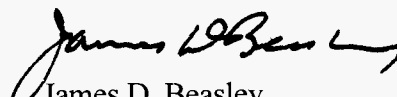
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Voluntary Dismissal with Prejudice.

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

JDB/pp
Enclosure

cc: All Parties of Record (w/enc.)

COM _____
APA _____
ECR 2
GCL 3
KAD 10
SSC _____
ADM _____
OPC _____
CLK _____

DOCUMENT NUMBER-DATE
03862 MAY-7 0
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of solar energy)
power purchase agreement between Tampa)
Electric Company and Energy 5.0 LLC.)
_____)

DOCKET NO. 090109-EI


FILED: May 7, 2010

**TAMPA ELECTRIC COMPANY'S
VOLUNTARY DISMISSAL WITH PREJUDICE**

Tampa Electric Company hereby voluntarily dismisses with prejudice its March 9, 2009
Petition filed in this proceeding.

DATED this 7th day of May, 2010.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

DOCUMENT NO. DATE
03862-10 5, 7, 10
FPSC - COMMISSION CLERK


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Voluntary Dismissal with Prejudice, filed on behalf of Tampa Electric Company, has been served by hand delivery (*) or U. S. Mail on this 7th day of May, 2010 to the following:

Mr. Erik L. Saylor*
Ms. Jennifer Brubaker*
Ms. Anna Williams*
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Richard Zambo
2336 S.E. Ocean Blvd. - #309
Stuart, FL 34996

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



ATTORNEY