

# AUSLEY & McMULLEN

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September 11, 2012

HAND DELIVERED

RECEIVED-FPSC  
12 SEP 11 PM 2:35  
COMMISSION  
CLERK

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

Re: Complaint and request for expedited relief of Mosaic Fertilizer LLC against Peace Rivet Electric Cooperative and Tampa Electric Company for single source electric supplier; Docket No. 120225-EU

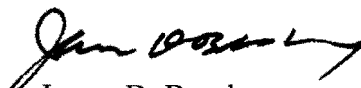
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Answer to the Complaint of Mosaic Fertilizer LLC.

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	_____
AFD	_____
APA	_____
ECO	2
ENG	2
GCI	11
IDM	_____
TEL	_____
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DOCUMENT NUMBER-DATE

06119 SEP 11 12

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and request for expedited )  
relief of Mosaic Fertilizer LLC against )  
Peace River Electric Cooperative and )  
Tampa Electric Company for single )  
source electric supplier. )  
\_\_\_\_\_ )

DOCKET NO. 120225-EU

FILED: September 11, 2012

**TAMPA ELECTRIC COMPANY'S  
ANSWER TO COMPLAINT**

Tampa Electric Company ("Tampa Electric" or "the company") submits this its Answer to the Complaint filed August 22, 2012 by Mosaic Fertilizer LLC ("Mosaic") against Peace River Electric Cooperative ("PRECO") and Tampa Electric for single source electric supplier, and says:

1. The names and addresses of Tampa Electric's representatives to receive communications regarding this docket are:

James D. Beasley  
[jbeasley@ausley.com](mailto:jbeasley@ausley.com)  
J. Jeffrey Wahlen  
[jwahlen@ausley.com](mailto:jwahlen@ausley.com)  
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Paula K. Brown, Manager  
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Regulatory Coordination  
Tampa Electric Company  
Post Office Box 111  
Tampa, FL 33601  
(850) 228-1744  
(850) 228-1770 (fax)

2. Mosaic's Complaint seeks to have either Tampa Electric or PRECO serve as a single source provider of electric service to two of Mosaic's mining operations, each of which the Complaint indicates is located partially in Tampa Electric's Commission approved retail service territory in Hillsborough County and partially in PRECO's retail service territory located in Manatee County.

DOCUMENT NUMBER-DATE

06119 SEP 11 2012

FPSC-COMMISSION CLERK

3. Pursuant to a territorial agreement between Tampa Electric and PRECO dated January 9, 1987, the county line separating Hillsborough County to the North and Manatee County to the South separates the service territories of the two utilities in the area where the two sites are located. That agreement was approved by the Commission in Order No. 17585 issued May 22, 1987 in Docket No. 870303-EU, In re: Joint Petition of Tampa Electric Company and Peace River Electric Cooperative, Inc. for approval of a territorial agreement.

4. Tampa Electric stands ready, willing and able to provide all of Mosaic's electrical requirements in Tampa Electric's Commission approved retail service territory. Tampa Electric is not at liberty to provide retail electric service to Mosaic's facilities in PRECO's Commission approved retail service territory in Manatee County in the absence of an order of the Commission approving the provision of such service.

5. Tampa Electric, Mosaic and PRECO have been in discussions for some time in an attempt to satisfy Mosaic's power supply needs for its planned mining operations. The parties continue to engage in meaningful discussions, having met as recently as September 5, 2012 in an effort to reach a resolution that satisfies Mosaic's needs in a manner that is both safe and reliable and, at the same time, consistent with the goal of avoiding uneconomic duplication of transmission facilities.

6. Tampa Electric is hopeful that its continuing talks with PRECO and Mosaic will lead to an acceptable resolution of this matter in the near future. Our intention is to keep the Commission updated regarding the progress of our efforts to reach a resolution.

WHEREFORE, Tampa Electric submits the foregoing as its Answer to Mosaic's Complaint.

DATED this 11<sup>th</sup> day of September 2012.

Respectfully submitted,



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

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Answer to Complaint filed on behalf of Tampa Electric Company has been served by U. S. Mail or hand delivery(\*) on this 11<sup>th</sup> day of September 2012 to the following:

Ms. Pauline Robinson\*  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. Randall W. Shaw  
Peace River Electric Cooperative, Inc.  
210 Metheny Road  
Wauchula, FL 33873-1310

Mr. Jon Moyle  
Ms. Vicki Gordon Kaufman  
Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301

Mosaic Fertilizer LLC  
13830 Circa Crossing Drive  
Lithia, FL 33547

  
\_\_\_\_\_  
ATTORNEY