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September 2, 2008

HAND DELIVERED

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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

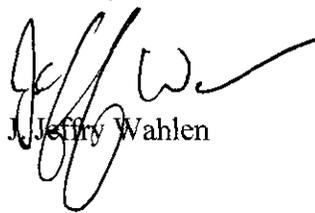
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Response to Petition of the Florida Retail Federation.

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,



J. Jeffrey Wahlen

JJW/pp
Enclosure

COM
ECR ee: All Parties of Record (w/enc.)
GCL |
OPC |
RCP |
SSC |
SGA |
ADM |
CLK |

DOCUMENT NUMBER-DATE

08039 SEP-28

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 080317-EI

FILED: September 2, 2008

**TAMPA ELECTRIC COMPANY'S RESPONSE TO
PETITION OF THE FLORIDA RETAIL FEDERATION**

Tampa Electric Company ("Tampa Electric" or the "company") responds as follows to the petition filed in this proceeding on August 26, 2006 on behalf of the Florida Retail Federation ("FRF"), and says:

1. This proceeding was initiated well in advance of FRF's August 26, 2008 petition. This matter was docketed on June 12, 2008, upon Tampa Electric's filing of its test year notification letter pursuant to Rule 25-6.140, Florida Administrative Code. That request was followed on August 11, 2008 with the filing of Tampa Electric's petition for a permanent increase in its base rates and miscellaneous service charges, along with a complete set of minimum filing requirement schedules and the testimony and support exhibits of fourteen company witnesses.

2. While FRF's petition references Rule 25-22.036, Florida Administrative Code ("Initiation of Formal Proceedings"), FRF cannot initiate a proceeding that has already been initiated and its reference to Rule 25-22.036 is misplaced.

3. FRF's petition also, and more appropriately, refers to Rule 25-22.039, Florida Administrative Code ("Intervention"). Under the express terms of this rule FRF, if permitted to intervene in this docket, takes the case as it finds it, which is a rate proceeding initiated pursuant to Section 366.06, Florida Statutes, as reflected in Tampa Electric's petition and in the Order

DOCUMENT NUMBER-DATE

08039 SEP-2 8

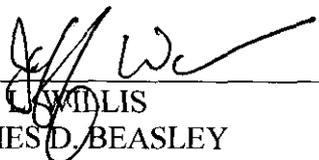
FPSC-COMMISSION CLERK

Establishing Procedure in this docket. The Commission's rule on intervention clearly does not empower an intervenor to retroactively recast an on-going proceeding into some different type of proceeding from that already under way.

WHEREFORE, Tampa Electric Company submits the foregoing in response to the petition filed August 26, 2008 on behalf of FRF.

DATED this 2^d day of September 2008.

Respectfully submitted,



LEE L. WILKINS
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J. JEFFRY WAHLEN
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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to Petition of the Florida Retail Federation, filed on behalf of Tampa Electric Company, has been furnished by U.S. Mail or hand delivery (*) on this 22nd day of September 2008 to the following:

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