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November 19, 2008

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COMMISSION
CLERK

HAND DELIVERED

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

Re: Complaint of Terence K. Wolfe against Tampa Electric Company
For alleged improper billing; Docket No. 080435-EI

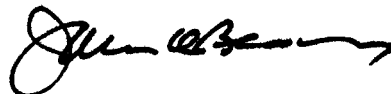
Dear Ms. Cole:

Enclosed for filing on behalf of Tampa Electric Company are the original and five (5) copies of Tampa Electric Company's responses to the two (2) data requests contained in the November 12, 2008 letter from Keino Young in this matter.

Please acknowledge receipt and filing of this document 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

COM _____
ECR _____
GCL 1 _____
OPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK _____

JDB/bjd

cc: Paula K. Brown (w/encl.)
Terence K. Wolfe (w/encl.)
Keino Young (w/encl.)

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**TAMPA ELECTRIC COMPANY
DOCKET NO. 080435-EI
STAFF'S FIRST DATA REQUEST
REQUEST NO. 1
PAGE 1 OF 1
FILED: NOVEMBER 19, 2008**

1. Please cite a specific Florida Statute or Commission Rule that Tampa Electric Company believes obligates Mr. Wolfe to be responsible for payment of the electrical service he received for the months in question.
 - A. Tampa Electric Company ("Tampa Electric" or "the company"), as a public utility, is obligated under Section 366.02, Florida Statutes, to provide electric service to each customer applying therefore, and is precluded from giving any undue or unreasonable preference or advantage to any person or subjecting any person to unreasonable prejudice or disadvantage. Tampa Electric cannot provide a customer free electric service without violating its obligations under Section 366.02.

Tampa Electric's rates and charges are set forth in the company's Commission approved tariff for retail service and Tampa Electric cannot deviate from its Commission approved rates and charges. In addition, Mr. Wolfe first applied for service on October 3, 2007, asking for service effective October 4, 2007. Even though the Equifax positive identification validation was delayed, Mr. Wolfe began consuming power and thus, obligated himself to pay for the power under an oral agreement for service or an implied contract to pay for the electricity he consumed, or both. Additionally, a May 14, 2008 letter to Mr. Wolfe from a regulatory consultant in the Commission's Bureau of Consumer Assistance Review Group concludes that, based on a thorough review of all relevant facts and circumstances, Mr. Wolfe's account was properly billed by Tampa Electric in accordance with the Commission's rules and regulations and Tampa Electric's tariff filed with the Commission, and that there were no apparent rule or tariff violations found in that review.

**TAMPA ELECTRIC COMPANY
DOCKET NO. 080435-EI
STAFF'S FIRST DATA REQUEST
REQUEST NO. 2
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FILED: NOVEMBER 19, 2008**

2. Please explain in detail why Tampa Electric Company did not disconnect Mr. Wolfe's electrical service at the address listed in the complaint, prior to February 5, 2008.
 - A. Anyone desiring electric service from Tampa Electric is required to apply for such service. The application serves as notice that the applicant desires service and expresses his willingness to conform to reasonable rules and regulations regarding service that are in effect. This is consistent with the requirements of Florida Administrative Rule 25-6.095, Initiation of Service. As part of Tampa Electric's application process, the applicant is required to pay an initial deposit or satisfy credit requirements as defined by the company and validate their identity before service will commence. This is consistent with Florida Administrative Rule 25-6.097, Customer Deposits.

When customers request their electric service be terminated, the company reads the meter on the requested date and issues a final bill to the customer. Many times, especially with rental property, the company does not "seal the meter" immediately when a tenant vacates because there is usually a new tenant requesting service in the short-term. This practice tends to be more cost effective for the company and its customers because it eliminates the need for field personnel to go to the location, seal the meter only to return shortly thereafter to unseal the meter when a new service request is appropriately made. The energy consumed (usually minimal) between tenants is called "suspense usage."

Electric service for a departing tenant at 406 Bryan Circle, Brandon, Florida was terminated on October 4, 2007 based on the customer's request. The meter was read, the customer was appropriately billed and he vacated the home. The meter remained in "suspense usage" status until the next tenant properly initiated service.

On October 3, 2007, an applicant identifying himself as Terence K. Wolfe contacted the company by telephone to initiate service at the Bryan Circle premise. Mr. Wolfe was provided information on how to appropriately initiate service. However he failed to make the required deposit and pass Equifax's Positive Identification process. As a result, Tampa Electric did not begin billing Mr. Wolfe, although consumption of electricity at Mr. Wolfe's residence commenced, as reflected in subsequent meter readings.

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From November 2007 through January 2008 monthly meter readings were taken at the premises. The monthly usage pattern changed over the three months with an increase in usage, a pattern that should not occur on a "suspense usage" meter. Because the usage accumulated to a certain level without Mr. Wolfe being shown yet as the new customer of record due to the above described service application deficiencies, field personnel disconnected electric service at the residence and sealed the meter on February 6, 2008. This apparently prompted Mr. Wolfe to contact Tampa Electric that same evening to once again request electric service.