

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 2, 1997

RE: DOCKET NO. 970898-EG - Petition of Lee County for declaratory statement concerning conservation status of electric power and energy produced from Lee County Resource Recovery Facility.

Issue 1: Should the Commission affirmatively answer Lee County's Petition for Declaratory Statement?

Recommendation: No. The Commission should deny Lee County's petition. It asks for an impermissibly broad statement of general applicability that would make a declaration upon the effect of statutes and rules on third persons. In addition, the petition can be denied on the merits since the capacity and energy produced by the Lee County Resource Recovery Facility falls under the category of "general" conservation goals, and does not qualify as the type of measure that may be counted toward meeting the numeric demand-side conservation goals of a utility.

*Withdrawn*

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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DOCUMENT NUMBER + DATE  
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FPSC-RECORDS/REPORTING

REMARKS/DISSENTING COMMENTS: Commissioner Clark participated in the vote via 2-way conference call. In her oral vote, she AGREED WITH THE MAJORITY DISSENTED. Commissioner Clark will sign the original vote sheet upon her return to Tallahassee.

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(Continued from previous page)

Issue 2: Should the Commission grant the Legal Environmental Assistance Foundation's petition to intervene, or, in the alternative, request for hearing?

Recommendation: If the Commission approves staff's recommendation to deny Lee County's petition for declaratory statement, LEAF's petition for intervention/request for hearing will be rendered moot.

Issue 3: Should the Commission accept Florida Power & Light Company's Amicus Curiae Memorandum of Law Addressing the Insufficiency of Lee County's Petition and the Sierra Club National Solid Waste Committee's comments?

Recommendation: Yes, the Commission should accept FPL's Amicus Curiae Memorandum of Law Addressing the Insufficiency of Lee County's Petition and the Sierra Club National Solid Waste Committee's comments.

Issue 4: Should this docket be closed?

Recommendation: If the Commission accepts staff's recommendation in Issue 1, this docket should be closed.