

FLORIDA PUBLIC SERVICE COMMISSION

8

VOTE SHEET

JANUARY 4, 2005

RE: Docket No. 041291-EI - Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

Issue 1: Should the Commission grant OPC and FIPUG's joint motion to dismiss FPL's Storm Cost Recovery Petition?

Recommendation: No. The motion to dismiss should be denied. FPL's petition states a cause of action upon which relief may be granted.

APPROVED

Issue 2: Should the Commission grant OPC and FIPUG's joint request to strike or dismiss FPL's Preliminary Surcharge Petition?

Recommendation: No. The Commission should deny OPC and FIPUG's joint request to strike or dismiss FPL's Preliminary Surcharge Petition.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

Liz Edger
Ruby Bradley
Mark ...
Jerry ...
John M. ...

DISSENTING

REMARKS/DISSENTING COMMENTS:

*Issues 2-6 deferred to
1/18/05 agenda conference*

DOCUMENT NUMBER-DATE
00118 JAN-4 05
FPSC-COMMISSION CLERK

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Issue 3: Should the Commission authorize FPL to implement a preliminary storm surcharge subject to refund?
Recommendation: Yes. If the motions to dismiss/strike are denied, FPL should be authorized to implement a preliminary surcharge, subject to refund. This approval would be preliminary in nature and would not prejudice the merits of any issues that may be raised in the evidentiary hearing in this docket, such as the implementation of any surcharge, any amounts to be recovered, or the duration of any surcharge.

DEFERRED

Issue 4: Should the Commission approve FPL's proposed Original Tariff Sheet No. 8.033?

Recommendation: If the Commission approves staff's recommendation in Issue 3, the tariff as filed should be approved and remain in effect until the final order is issued in this docket. The appropriate allocation of the costs to rate classes and the resulting rate factors should be an issue in the hearing scheduled for April. Consistent with the application of interim rates, the tariff should become effective for meter readings on or after February 3, 2005. If the Commission denies FPL's request to implement the storm damage surcharge subject to refund prior to the hearing, the proposed tariff sheet should be suspended, pending the results of the scheduled hearing.

DEFERRED

Issue 5: What is the appropriate security to guarantee the amount collected subject to refund through the storm surcharge?

Recommendation: The appropriate security to guarantee the amount collected subject to refund through the storm surcharge is a corporate undertaking.

DEFERRED

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Issue 6: Should this docket be closed?

Recommendation: No. This docket should remain open.

DEFERRED