FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

April 8, 2008

Docket No. 080039-EI – Complaint of Sallijo A. Freeman against Florida Power & Light Company for violation of Rule 25-6.105, F.A.C.

Issue 1: Should the Commission grant Petitioner Sallijo Freeman's request to address the Commission at the Agenda Conference on April 8, 2008?

Recommendation: The Commission should grant Ms. Freeman's request to address the Commission on April 8, 2008, on the Motion to Dismiss. However, the Commission should limit the presentation to the issues raised by the Motion to Dismiss, which is whether Ms. Freeman's petition alleges facts sufficient to state a cause of action upon which relief may be granted.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES
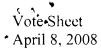
MAJORITY	DISSENTING
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REMARKS/DISSENTING COMMENTS: **Deferred to the May 20, 2008 Commission Conference.**

DOCUMENT NUMBER-DATE

02714 APR-9 8

FPSC-COMMISSION CLERK

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(Continued from previous page)

Issue 2: Should the Commission grant Florida Power & Light Company's Motion to Dismiss the Complaint of Sallijo A. Freeman?

Recommendation: The Commission should grant Florida Power & Light Company's Motion to Dismiss. Although petitioner's complaint alleges facts which, when taken as true and construed in the light most favorable to the petitioner, state a cause of action, there is no additional relief that the Commission may grant the petitioner. In her complaint, petitioner has asked that FPL be directed to restore her power. FPL has restored Ms. Freeman's electrical service. The petitioner has also asked that she be awarded damages resulting from the allegedly improper termination of services. The Commission lacks jurisdiction to award monetary damages.

DEFERRED

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission accepts staff's recommendation in Issue 2, this docket should be closed after the time for appeal has expired.

DEFERRED