

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

September 16, 2008

Docket No. 080001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Issue 1: Should the Commission acknowledge Florida Power & Light Company’s voluntary withdrawal of its Petition for Approval of Improved Volatility Mitigation Mechanism, filed January 31, 2008, in Docket No. 080001-EI?

Recommendation: Yes, the Commission should acknowledge Florida Power & Light Company’s voluntary withdrawal of its Petition for Approval of Improved Volatility Mitigation Mechanism (VMM petition) as a matter of right. The effect of the voluntary withdrawal is to divest the Commission of further jurisdiction over FPL’s VMM petition but not over the subject matter of hedging.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Neil A. [unclear], Katrina J. McMurrin, [unclear], [unclear], and [unclear].

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

Oral modifications to the case background and staff analysis portion of Issue 2 were presented at the Commission Conference Agenda. - ac

DOCUMENT NUMBER-DATE

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**Issue 2:** Should the Commission approve FPL's proposed Hedging Order Clarification Guidelines?

**Recommendation:** Yes. However, evaluation of hedging results can be problematic since they are not reported on a calendar basis similar to the original plans. Therefore, IOUs should address the comparability of reported results to their original plans by structuring their plans to match reporting periods, or otherwise show the comparability of objectives and results.

**APPROVED**, *as discussed at the Commission Conference.*

**Issue 3:** Should this docket be closed?

**Recommendation:** No. If no person whose substantial interests are affected by the proposed agency action issues files a protest within 21 days of the issuance of the order, a Consummating Order should be issued. However, the docket should remain open as it is an on-going docket.

**APPROVED**, *as discussed at the Commission Conference.*