

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

February 10, 2009

Docket No. 080665-EI -- Petition of Florida Power & Light Company for approval of long-term agreement for full requirements electric service with Lee County Electric Cooperative.

Issue 1: Should the Commission approve as prudent the proposed wholesale power sale agreement between Florida Power & Light Company and Lee County Electric Cooperative?

Recommendation: No. The Commission should decline to approve FPL's Long-term Agreement For Full Requirements Electric Service with LCEC as prudent and consistent with the interests of FPL's retail customers.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Five horizontal lines for majority signatures.

Five horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS: Deferred to the March 3, 2009 Commission Conference.

DOCUMENT NUMBER-DATE

01020 FEB 10 8

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Issue 2: Should the Commission approve the regulatory treatment of the costs associated with the wholesale Agreement?

Recommendation: Staff recommends that the Commission approve the regulatory treatment of the revenues and expenses associated with the wholesale agreement only if specific changes to FPL's proposed regulatory treatment are made. Staff recommends the following changes: (1) the fuel cost charged to retail ratepayers should be adjusted on an annual basis so the incremental fuel cost is no greater than the base rate benefit; (2) the credit through the Capacity Cost Recovery Clause recognizing the base rate benefit should be fixed on a per kwh basis, not a dollar basis, as would be done if base rates were adjusted; (3) FPL should provide notice to the Commission if there is a change in circumstance regarding the effect the regulatory treatment has on ratepayers; and (4) FPL should be required to bring this issue back to the Commission at least 12 months prior to the scheduled review by the parties to renew or terminate the Agreement.

DEFERRED

Issue 3: Should this docket be closed?

Recommendation: Yes. Upon Commission vote on Issues 1 and 2, if no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

DEFERRED