

VOTE SHEET

August 18, 2009

Docket No. 080677-EI – Petition for increase in rates by Florida Power & Light Company.

Docket No. 090130-EI – 2009 depreciation and dismantlement study by Florida Power & Light Company.

Issue 1: Should the Commission grant FPL’s Motion to Strike South Daytona’s Reply to FPL’s Response in Opposition to the Motion to Dismiss?

Recommendation: Yes. The Commission should grant FPL’s Motion to Strike. A reply to a response to a motion is not contemplated by Florida’s Uniform Rules of Administrative Procedure, or the Commission’s prior practice. The Commission should not consider it in its consideration of South Daytona’s Motion to Dismiss and FPL’s Response.

APPROVED

Issue 2: Should the Commission grant South Daytona’s Motion to Dismiss?

Recommendation: No. The Commission should deny South Daytona’s Motion to Dismiss. The appropriate test year for FPL’s rate request is identified as an issue in the proceeding, and South Daytona will have full opportunity to address the matter at the hearing and in its post-hearing filings.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the Majority column]

REMARKS/DISSENTING COMMENTS: Commissioner Argenziano participated in the conference by telephone. She will sign the vote sheet upon her return to the office.

DOCUMENT NUMBER-DATE

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Issue 3: Should these dockets be closed?

Recommendation: No. These dockets should remain open to consider FPL's rate request and depreciation and dismantlement study.

APPROVED