

VOTE SHEET

October 26, 2010

Docket No. 090372-EQ – Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

Issue 1: Should the Commission grant Florida Biomass Energy, LLC's Motion to Dismiss?

Recommendation: Yes. For the reasons discussed in staff's memorandum dated October 14, 2010, staff believes that the allegations set forth in Funding Group's Petition fail to conclusively show why it has standing under the two-prong test required by Agrico, as required by Order No. PSC-10-0434-FOF-EQ. Accordingly, FB Energy's Motion to Dismiss should be granted, Funding Group's Amended Petition should be dismissed with prejudice, and Order No. PSC-09-0852-PAA-EQ should be made final and effective.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1, Order No. PSC-09-0852-PAA-EQ should be considered final and this docket should be closed.

APPROVED

COMMISSIONERS ASSIGNED: Edgar, Skop

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Neil Skop
Lin E. Edgar

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER DATE
18940 OCT 27 09
FPSO-COMMISSION CLERK