

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JUNE 30, 1998

RE: DOCKET NO. 980509-EQ - Petition of Florida Power Corporation for declaratory statement that Commission's approval of negotiated contract for Purchase of Firm Capacity and Energy with Lake Cogen, Ltd., in Order No. 24734, together with Order No. PSC-97-1437-FOF-EQ, Rule 25-17.0832, F.A.C. and Order No. 24989, establish that energy payments thereunder, including when firm or as-available payments are due, are limited to analysis of avoided costs based upon avoided unit's contractually-specified characteristics.

Issue 1: Should the Commission grant North Canadian Marketing Corporation's petition to intervene or in the alternative, to submit *amicus curiae* brief?

Recommendation: No. Intervention or participation as *amicus curiae* should be denied.

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS: Commissioner Garcia participated by telephone. He concurred ___/dissented ___ in the majority vote and will sign the vote sheet upon his return to Tallahassee.

To the 8/4/98 Commission conference

DOCKET NUMBER-DATE

06962* JUL -2 88

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Issue 2: Should the Commission grant Lake's request for oral argument?

Recommendation: Yes. Oral argument should be granted.

Issue 3: Should the Commission grant FPC's declaratory petition?

Recommendation: Yes. The Commission should grant FPC's Petition for Declaratory Statement.

Issue 4: Should the Commission grant Lake's Motion to Dismiss?

Recommendation: No.

Issue 5: Should this docket be closed?

Recommendation: Yes.