

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 17, 2000

RE: DOCKET NO. 000442-EI - Petition for determination of need for the Osprey Energy Center by Calpine Construction Finance Company, L.P.

Issue 1: Should the Commission grant Calpine's Request for Oral Argument?  
Recommendation: Yes. The Commission should grant Calpine's request for oral argument.

**APPROVED**

Issue 2: Should the Commission grant FPL's Emergency Motion to Hold this Matter in Abeyance?  
Recommendation: No. FPL's Motion should be denied.

**APPROVED** *with direction pursuant to discussion.*

COMMISSIONERS ASSIGNED: JC JB BZ

COMMISSIONERS' SIGNATURES

MAJORITY

*[Handwritten signatures]*

DISSENTING

*[Handwritten signature]*

REMARKS/DISSENTING COMMENTS:

*Commissioner Jacobs dissented on issues 4 & 5*

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Issue 3: Should the Commission grant Calpine's petition for a determination that Rule 25-22.082(2), Florida Administrative Code, does not apply to Calpine, or grant Calpine's alternative request for waiver of Rule 25-22.082(2), Florida Administrative Code?

Recommendation: The Commission should grant Calpine's petition for a Determination that Rule 25-22.082(2), Florida Administrative Code, does not apply to Calpine.

**DEFERRED**

Issue 4: Should the Commission grant Florida Power & Light Company's (FPL's) motion to dismiss Calpine's Petition for Determination of Need for an Electrical Power Plant?

Recommendation: No. Calpine's petition for need determination states a cause of action upon which relief can be granted because it alleges all of the required elements. At the time Calpine files its information concerning contractual commitments, it shall file all the information required by Rule 25-22.081, Florida Administrative Code.

**APPROVED**

*with direction to staff that, if at any time, they feel comfortable recommending the petition be dismissed, they are to do so.  
Commissioner Jacobs dissented.*

Issue 5: Should the Commission grant Florida Power Corporation's motion to dismiss Calpine Construction Finance Company L.P.'s petition for determination of need for an electrical power plant?

Recommendation: No. Calpine's petition states a cause of action upon which relief can be granted because it alleges all of the required elements.

**APPROVED**

*(as noted under issue 4)  
Commissioner Jacobs dissented.*

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Issue 6: Should this docket be closed?

Recommendation: No. This docket should remain open for the hearing.

**APPROVED**