

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 19, 1999

RE: DOCKET NO. 981360-EI - Petition by Florida Power Corporation for waiver of Rule 25-22.082, F.A.C., Selection of Generating Capacity.

Issue 1: Should the Florida Industrial Cogeneration Association's comments, filed December 1, 1998, be accepted as timely?
Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the Majority column]

REMARKS/DISSENTING COMMENTS:

[Handwritten signature/initials in the Remarks/Dissenting Comments area]

DOCUMENT NUMBER-DATE

00899 JAN 22 99

FPSC-RECORDS/REPORTING

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(Continued from previous page)

Issue 2: Should the Commission waive the requirements of Rule 25-22.082, Florida Administrative Code, as to Florida Power Corporation (FPC)?

Primary Recommendation: Yes. The requested waiver should be granted due to the uncertain reliability of generation reserves planned for Peninsular Florida and the rate savings which will occur as a result of FPC's commitment not to seek base rate recovery of Hines 2 for a period of at least five years from the unit's commercial in-service date. Since FPC has demonstrated that the purposes of the underlying statute will be achieved by other means, and that its ratepayers will suffer a substantial hardship, FPC has met the requirements of Section 120.542, Florida Statutes.

DENIED

Alternative Recommendation: No. FPC should be required to comply with Rule 25-22.082, Florida Administrative Code, in order to provide assurances that its ratepayers benefit from the most economical resource addition and to avoid the potential for extensive litigation during the later need determination process. FPC has failed to demonstrate that the purposes of the underlying statute will be achieved by other means. Therefore, FPC has not met the requirements of Section 120.542, Florida Statutes. Furthermore, accelerating the in-service date of Hines 2 will not remedy FPC's Winter 2000/01 capacity shortfall.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: This docket should be closed if no person whose substantial interests are affected by the proposed action files a protest within the 21-day protest period.

APPROVED