

VOTE SHEET

April 7, 2009

Docket No. 080200-EI – Petition to modify tariff sheet No. 4.010 regarding underground commercial and industrial services by Progress Energy Florida, Inc.

Issue 1: Should the Commission approve Progress Energy Florida's (PEF) proposal to clarify the Utility's point of delivery for commercial and industrial (C/I) underground services?

Recommendation: Yes. PEF's policy to require C/I customers to install and maintain their own underground facilities beyond the point of delivery is appropriate.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Katrina J. McMurrin, Dan S. ...

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03117 APR-88

FPSC-COMMISSION CLERK

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Issue 2: What relief, if any, should be granted to C/I customers who have incurred the cost of replacing conduit and equipment previously installed by PEF beyond the pad-mounted transformer, as a result of the change adopted in 1994 prior to formal approval of the tariff?

Recommendation: Based on the information available, Staff believes there is no basis to grant relief at this time. Only two complaints were filed. PEF reached a settlement on one complaint and it was withdrawn. The second complaint was filed by a consultant who has not alleged that he is directly affected by the change, and who did not identify any specific customer who is affected by the change. If affected customers come forward in the future, each complaint will be handled on a case by case basis.

MODIFIED *attached*

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves Staff's recommendation, the tariff should become effective on March 17, 2009. If no protest is received, a consummating order should be issued and the docket administratively closed. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect, with any revenues held subject to refund, pending resolution of the protest.

APPROVED

Modification to Issue 2 (to be reflected as such in final order)

As a result of the prior modifications to the PEF Requirements for Electric Service and Meter Installations Handbook, there is no basis to grant the relief requested. All current C/I customers, even those whose underground service beyond the designated point of delivery was installed and owned by the Utility, will be responsible for the full replacement cost of their underground conduit and equipment when the conduit or equipment fails or wears out. PEF will continue to maintain the lines it previously installed until maintenance, in PEF's sole discretion, is no longer feasible and replacement is the only viable option.