

VOTE SHEET

October 27, 2009

- Docket No. 080677-EI** – Petition for increase in rates by Florida Power & Light Company.
- Docket No. 090130-EI** – 2009 depreciation and dismantlement study by Florida Power & Light Company.
- Docket No. 090079-EI** – Petition for increase in rates by Progress Energy Florida, Inc.
- Docket No. 090144-EI** – Petition for limited proceeding to include Bartow repowering project in base rates, by Progress Energy Florida, Inc.
- Docket No. 090145-EI** – Petition for expedited approval of the deferral of pension expenses, authorization to charge storm hardening expenses to the storm damage reserve, and variance from or waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C., by Progress Energy Florida, Inc.

Issue 1: Can the Commission postpone its final decision in the Florida Power & Light Company and Progress Energy Florida Inc.'s Petitions for base rate increase, and if so, how?

Recommendation: No. Time does not permit a postponement of the decisions in the FPL and PEF rate cases. Section 366.06(3), F.S., mandates the Commission render a final decision in FPL's rate case on or before March 18, 2010, and render a final decision in PEF's rate case on or before March 20, 2010. The Commission should take all steps necessary to timely render its final orders in both cases as mandated by the legislature.

DENIED

alternative dates proposed by staff was approved:

	FPL	Progress Energy
<i>Revenue Requirement Agenda</i>	<i>1/13/10</i>	<i>1/18/10</i>
<i>Rates Agenda</i>	<i>1/29/10</i>	<i>1/28/10</i>

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

David E. Clement

[Signature]

[Signature]

[Signature]

REMARKS/DISSENTING COMMENTS:

Oral modification, Document Number 10867-09, attached. -ac

DOCUMENT NUMBER-DATE
10913 OCT 27 8

Vote Sheet

October 27, 2009

Docket No. 080677-EI – Petition for increase in rates by Florida Power & Light Company.

Docket No. 090130-EI – 2009 depreciation and dismantlement study by Florida Power & Light Company.

Docket No. 090079-EI – Petition for increase in rates by Progress Energy Florida, Inc.

Docket No. 090144-EI – Petition for limited proceeding to include Bartow repowering project in base rates, by Progress Energy Florida, Inc.

Docket No. 090145-EI – Petition for expedited approval of the deferral of pension expenses, authorization to charge storm hardening expenses to the storm damage reserve, and variance from or waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C., by Progress Energy Florida, Inc.

(Continued from previous page)

Issue 2: Can FPL begin charging rates subject to refund on January 1, 2010?

Recommendation: If the Commission agrees with Staff's recommendation in Issue 1, this issue is moot and the Commission need not vote. If the Commission disagrees with staff's recommendation in Issue 1, staff recommends that FPL cannot begin charging rates subject to refund on January 1, 2010. The terms of the 2005 Stipulation and Settlement Agreement control to prevent FPL from charging new rates until after the Commission enters its order. The order must be entered within the 12 month timeframe established by Section 366.06(3), F.S. For the reasons discussed above, the Commission should follow the current schedule to set rates by January 11, 2010.

APPROVED *Based on the denial of staff's recommendation in Issue 1, FPL cannot begin charging rates subject to refund on January 1, 2010.*

Issue 3: Can the Commission postpone its final decision the Progress Energy Florida, Inc.'s Petition for Base Rate Increase, and if so, how?

Recommendation: No. Time does not permit a postponement of the decisions in the PEF rate case. Section 366.06(3), F.S., mandates the Commission render a final decision in PEF's rate case on or before March 20, 2010. Postponing decisions in each of the rate cases until after newly appointed Commissioners take office will likely delay a final decision past the deadline mandated by the legislature. The Commission should take all steps necessary to timely render its final orders in both cases as mandated by the legislature.

DENIED

alternative dates proposed by staff was approved:

<i>Revenue Requirement Agenda</i>	<i>1/4/10</i>
<i>Rates Agenda</i>	<i>1/28/10</i>

Vote Sheet

October 27, 2009

Docket No. 080677-EI – Petition for increase in rates by Florida Power & Light Company.

Docket No. 090130-EI – 2009 depreciation and dismantlement study by Florida Power & Light Company.

Docket No. 090079-EI – Petition for increase in rates by Progress Energy Florida, Inc.

Docket No. 090144-EI – Petition for limited proceeding to include Bartow repowering project in base rates, by Progress Energy Florida, Inc.

Docket No. 090145-EI – Petition for expedited approval of the deferral of pension expenses, authorization to charge storm hardening expenses to the storm damage reserve, and variance from or waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C., by Progress Energy Florida, Inc.

(Continued from previous page)

Issue 4: If the Commission postpones its final decision in the Progress Energy Florida, Inc.'s rate case, can Progress Energy Florida, Inc. begin charging rates subject to refund on January 1, 2010?

Recommendation: If the Commission agrees with staff's recommendation in Issue 3, this issue is moot and the Commission need not take action. If the Commission disagrees with staff's recommendation in Issue 3, staff recommends that if the Commission postpones its final decision in the Progress Energy Florida, Inc.'s rate case, Progress Energy Florida, Inc. may begin charging rates subject to refund on January 1, 2010.

APPROVED

PEF may begin charging requested rates on 1/1/10, subject to refund. The Commission asks that they do their best to minimize any potential impact to rate payers.

Issue 5: Should these dockets be closed?

Recommendation: No. This is a procedural matter and the dockets should remain open pending final Commission action.

APPROVED

Ann Cole

From: Mary Bane
Sent: Monday, October 26, 2009 3:26 PM
To: Lisa Bennett
Cc: Betty Ashby; Mary Anne Helton; Katherine Fleming; Jennifer Brubaker; Marshall Willis; Tim Devlin; Ann Cole; William C. Garner; Roberta Bass; Steve Larson; Bill McNulty; Kay Posey; Chuck Hill
Subject: RE: Recommendation on Governor's Postponement Request - Item 2 - October 27 agenda conference

Approved.

From: Lisa Bennett
Sent: Monday, October 26, 2009 3:16 PM
To: Mary Bane
Cc: Betty Ashby; Mary Anne Helton; Katherine Fleming; Jennifer Brubaker; Marshall Willis; Tim Devlin
Subject: Recommendation on Governor's Postponement Request

In the case background, in the first sentence of the last paragraph on page 3, I need to delete the last two words "are confirmed" and replace it with the phrase "take office."

The sentence should then read "On October 2, 2009, Governor Charlie Crist sent a letter requesting that the Commission postpone its decision until the two newly appointed Commissioners take office."

I am requesting approval to make an oral modification to that sentence at tomorrow's agenda conference.

Lisa C. Bennett
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, FL
850-413-6230

**CLK AGENDA
STAFF COPIED**

DOCUMENT NUMBER-DATE

10867 OCT 26 08

FPSC-COMMISSION CLERK

10/26/2009

Optional dates for FPL and PEF Agendas

	Florida Power & Light	Progress Energy Florida
Option 1:		
Revenue Requirement Agenda	No change	12/02/09
Rates Agenda	No change	12/15/09
Option 2:		
Revenue Requirement Agenda	1/07/10	1/04/10
Rates Agenda	1/22/10	1/20/10
Option 3:		
Revenue Requirement Agenda	1/22/10	1/20/10
Rates Agenda	2/04/10	2/02/10

*alternative Dates
 Proposed by staff:*

<i>Revenue Requirement Agenda</i>	<i>1/13</i>	<i>1/11</i>
<i>Rates Agenda</i>	<i>1/29</i>	<i>1/28</i>