

VOTE SHEET

August 17, 2010

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. (Deferred from the August 3, 2010 Commission Conference.)

Issue 1: Should the Commission grant FPL's Motion for Leave to file a Response to SFHHA's Response?

Recommendation: No. FPL's Motion for Leave to file a Response to SFHHA's Response is not permitted, pursuant to Rule 25-22.060, F.A.C.

DEFERRED

Issue 2: Should the Commission reconsider Issue 46 because the Commission ordered a one-time refund of the over-recovery in the fuel docket?

Recommendation: Yes. The Commission should reconsider Issue 46 and recognize the impact on the 2010 test year of the fuel docket decision to refund the 2009 over-recovery in one month rather than ratably over a twelve-month period. As a result, the \$101,971,000 adjustment to reduce working capital should be revised to \$73,827,000, a change of \$28,144,000.

DENIED

COMMISSIONERS ASSIGNED: Argenziano, Edgar, Skop

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signature of Gregory Argenziano on the majority line.

Handwritten signature of Ed Edgar on the dissenting line with the text "Edgar on Issue 2".

REMARKS/DISSENTING COMMENTS: Chairman Argenziano participated in the conference by telephone. She will sign the vote sheet upon her return to the office.

Commissioner Edgar dissents on ~~the~~ issue 2 on procedural basis.

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(Continued from previous page)

Issue 3: Should the Commission reconsider Issue 89 regarding the impact of the minimum late payment charge?

Recommendation: Yes. The Commission should reconsider its decision on Issue 89 regarding the level of late payment charge (LPC) revenue. This adjustment will result in a decrease in the projected test year LPC revenues of \$25,776,146.

DEFERRED

Issue 4: Should the Commission reconsider Issue 103 regarding salaries and employee benefits?

Recommendation: Yes. The Commission should reconsider Issue 103 regarding the executive incentive compensation of \$12,700,000 that had been removed through the allocation to affiliates. As a result, the \$49,510,136 net adjustment decrease to the 2010 test year operating and maintenance (O&M) expenses should be revised to a \$36,810,136 net adjustment decrease. This represents a \$12,700,000 million reduction to the approved adjustment of \$49,510,136.

DEFERRED

Issue 5: Should the Commission reconsider Issue 109 regarding the 2010 test year charge from FiberNet to FPL?

Recommendation: Yes. The Commission should reconsider its decision on the FiberNet equipment lease charge to FPL. This adjustment will result in an increase in the allowed lease payment of \$585,000 and a corresponding increase of the same amount in FPL's 2010 test year revenue requirements.

DEFERRED

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(Continued from previous page)

Issue 6: Should the Commission clarify its Final Order as it relates to the computation of test year depreciation expense?

Recommendation: No. The Commission should not clarify its Final Order as it relates to the computation of test year depreciation expense.

DEFERRED

Issue 7: How should FPL be required to implement any change to the 2010 test year revenue requirements?

Recommendation: FPL should implement the \$41,902,170 net change in revenue requirements identified in Issues 2 through 6 by offsetting the increase or decrease against the depreciation reserve surplus. In order to offset the calculated \$41,902,170, both the remaining \$894,600,000 reserve surplus and the test year depreciation expense should be reduced by \$43,851,218 and the test year accumulated depreciation should be increased by \$21,925,609.

DEFERRED

Issue 8: Should the Commission grant FIPUG's motion for reconsideration?

Recommendation: No. FIPUG's Motion for Reconsideration should be denied.

DEFERRED

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(Continued from previous page)

Issue 9: Should the Commission grant Thomas Saporito's Petition for Base Rate Proceeding?

Recommendation: No. The Commission should not grant the Petition for Base Rate Proceeding. The petition does not meet the requirements of Rule 28-106.201, F.A.C., because it fails to allege any material issue of disputed facts.

DEFERRED

Issue 10: Should this docket be closed?

Recommendation: Yes. The docket should be closed upon the expiration of the time for appeal.

DEFERRED