

VOTE SHEET

DATE: December 6, 1994

RE: DOCKET NO. 940819-EQ - Joint petition for approval of standard offer contracts of FLORIDA POWER CORPORATION and AUBURNDALE POWER PARTNERS, LIMITED PARTNERSHIP.

Issue 1: Recommendation that the Commission deny Auburndale's and LEF 47 Corporation's requests for oral argument on their motions to dismiss. The parties have not adequately shown that oral argument will help the Commission evaluate the issue presented by the motions to dismiss.

**APPROVED**

*Chairman Deason dissented.*

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in Majority column]*

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*[Handwritten signature in Dissenting column]*

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REMARKS/DISSENTING COMMENTS:

*Chairman Deason dissented on Issue 1.*

PSC/RAR33 (5/90)

DOCUMENT NUMBER-DATE

12243 DEC-7 94

FPSC-RECORDS/REPORTING

Issue 2: Recommendation that the Commission grant the Motions to Dismiss the Petition of Ann Smith for Formal Proceedings, acknowledge Evander Bend's voluntary dismissal, and reinstate Order No. PSC-94-1306-FOF-EQ as a final order. The petition does not show either that the petitioner will suffer injury in fact that is of sufficient immediacy to entitle her to a formal hearing under Section 120.57, F.S., or that Ms. Smith's supposed substantial injury is of a type or nature that the proceeding is designed to protect. The Commission should grant the Motions to Dismiss, acknowledge Mr. Bend's voluntary dismissal, and reinstate Order No. PSC-94-1306-FOF-EQ as a final order.

*The petition should be dismissed with prejudice.*

*Approved with the above modification.*

**MODIFIED**

Issue 3: Recommendation that if the Commission grants the Motions to Dismiss, this docket should be closed.

**APPROVED**

*Staff was directed to consider the issue of attorneys fees and costs. Furthermore, a recommendation as to whether this issue should be referred to FDLE for possible criminal investigation should also be presented to the Commissioners.*