

VOTE SHEET

August 18, 2009

Docket No. 080501-EI – Petition for waiver of Rule 25-17.250(1) and (2)(a), F.A.C., which requires Progress Energy Florida to have a standard offer contract open until a request for proposal is issued for same avoided unit in standard offer contract, and for approval of standard offer contract.

Docket No. 070235-EQ – Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by Progress Energy Florida, Inc.

Issue 1: Is the standard offer contract filed by PEF on July 15, 2008 in compliance with Rules 25-17.200 through 25-17.310, F.A.C.?

Recommendation: Yes. If the Commission approves staff's recommendation, any changes agreed to by the parties in their post-hearing briefs should be incorporated in PEF's standard offer contract filed in Docket No. 090162-EQ.

APPROVED

COMMISSIONERS ASSIGNED: McMurrrian, Edgar, Argenziano

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Katrina J. McMurrrian
Joan Edgar
Nancy Argenziano

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

DOCUMENT NUMBER-DATE

08620 AUG 19 09

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Issue 2: Does the standard offer contract filed by PEF on July 15, 2008, contain terms and conditions that are not consistent with Rules 25-17.001 and 25-17.200 through 25-17.310, F.A.C.?

Recommendation: No. As discussed in Issue 1, including the changes suggested by PEF in its post hearing comment, the standard offer contract filed by PEF on July 15, 2008 is in compliance with Rules 25-17.200 through 25-17.310, F.A.C.

APPROVED

Issue 3: Do the non-price terms and conditions of PEF's standard offer contract that are specifically addressed by Florida Statutes or regulations comply with the policies and purposes set forth in Section 366.91, F.S., and Rules 25-17.001 and 25-17.200, F.A.C.?

Recommendation: Yes. As discussed in Issue 1, the non-price terms and conditions relating to the use of interruptible power, the capacity testing periods, the arrangements for maintenance outage, and the credit and collateral provisions are in compliance with Section 366.91, F.S., and Rules 25-17.001 and 25-17.200, F.A.C.

APPROVED

Issue 4: Does the standard offer contract's methodology for determining a RF/QF's capacity payments comply with the requirements of Rules 25-17.200 through 25-17.310, F.A.C.?

Recommendation: Yes. As discussed in Issues 1 and 2, the evaluation of avoided costs in PEF's 2008 standard offer contract is in compliance with Rules 25-17.200 through 25-17.310, F.A.C.

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Issue 5: Should Docket No. 070235-EQ, Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by PEF, be closed?

Recommendation: Yes. Docket No. 070235-EQ, Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by PEF, should be closed.

APPROVED

Issue 6: Should this docket be closed?

Recommendation: Yes. As PEF has already filed its 2009 renewable energy tariff and standard offer contract, and in the interest of administrative efficiency, the Commission should direct PEF to file within 30 days of the Commission's vote at the Agenda Conference, a revised 2009 renewable energy tariff and standard offer contract in accord with the Commission's decision herein.

APPROVED