

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 17, 1998

RE: DOCKET NO. 970540-EG - Petition by Florida Power & Light Company for modification of Duct System Testing and Repair Program.

Issue 1: Should the Commission grant Florida Power & Light Company's motion in opposition to the Florida Apartment Association's amended protest letter?

Recommendation: Yes. The Commission should dismiss the amended protest letter filed by the Florida Apartment Association. FAA has not demonstrated standing in this proceeding because (1) the interests pled by FAA in its amended protest letter are not the interests of its members and (2) the only interests alleged by FAA that could be construed as interests of its members are not matters within FAA's general scope of interest and activity or involve remote and speculative injury. The Commission also should make Order No. PSC-97-1480-FOF-EG final and effective as of the date of the Commission's vote on this recommendation.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: J. Tom Dear, Joe Garcia, Juan Clark]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

02317 FEB 16 98

FPSC-RECORDS/REPORTING

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Issue 2: Should this docket be closed?

Recommendation: Yes. If no party to this proceeding who is adversely affected by the Commission's Order timely files a Motion for Reconsideration or Notice of Appeal of the Commission's Order, no further action will be required in this docket, and it should be closed.

APPROVED