

FLORIDA PUBLIC SERVICE COMMISSION

13B

VOTE SHEET

October 6, 1998

Corrected: October 21, 1998

RE: DOCKET NO. 980509-EQ - Petition of Florida Power Corporation for declaratory statement that Commission's approval of negotiated contract for Purchase of Firm Capacity and Energy with Lake Cogen, Ltd., in Order No. 24734, together with Order No. PSC-97-1437-FOF-EQ, Rule 25-17.0832, F.A.C. and Order No. 24989, establish that energy payments thereunder, including when firm or as-available payments are due, are limited to analysis of avoided costs based upon avoided unit's contractually-specified characteristics. (Deferred from the September 22, 1998 Commission Conference)

Issue 1: Should the Commission grant North Canadian Marketing Corporation's petition to intervene or in the alternative, to submit amicus curiae brief?

Recommendation: No. Intervention or participation as amicus curiae should be denied.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in Majority column]
Susan J. Clark
J. Terry Weas
Joe J. Faraca
[Signature]

[Handwritten signatures in Dissenting column]
J. Terry Weas (3)
Joe J. Faraca (2)
[Signature] (3)

REMARKS/DISSENTING COMMENTS: Commissioner Garcia dissents on Issue 2.
Commissioners Johnson and Deason dissent on Issue 3.

DOCUMENT NO.
11270-98
10-12-98

VOTE SHEET

October 6, 1998

Corrected: October 21, 1998

Issue 2: Should the Commission grant Lake's request for Oral Argument?

Recommendation: Yes. Oral argument should be granted.

APPROVED

Commissioner Garcia dissents

Issue 3: Should the Commission grant FPC's Declaratory Petition?

Recommendation: Yes, the Commission should grant FPC's Petition for Declaratory Statement.

DENIED

*Commissioners Johnson and Deason
dissent.*

Issue 4: Should the Commission grant Lake's Motions to Dismiss?

Recommendation: No.

Based on decision in Issue 3, this issue is moot.

Issue 5: Should this docket be closed?

Recommendation: Yes.

APPROVED

From: Blanca Bayo
To: Carol Purvis, Curtis Williams, Kay Flynn, Richard Bellak
Subject: fwd: Items 13A & 13B October 6, 1998 Agenda

===NOTE=====10/21/98=10:34am=====
Richard listened to the audio tape and I watched the video tape of the Oct. 6 agenda regarding Items 13A & 13B. We both agree, based on what we heard on these tapes, that we simply need to correct the vote sheet.

Video Tape 3 --- It is clear that the Commissioners voted to grant oral argument on both 13A & 13B (GR dissents). This is issue 1 on staff recommendation in DN 980283 (13A) and issue 2 on staff recommendation in DN 980509 (13B). RAR erred by leaving this item off the vote sheet and misnumbered the remaining numbers in item 13B. (Please note the agenda page clearly stated in bold letters "interested persons may participate at Commission's discretion").

Video Tape 4 --- Chairman Johnson clearly states that the motion to Deny staff on the declaratory statements applied to 13A & 13B. The motion to deny staff was passed on a 3 to 2 vote (JN & DS dissent).

After the break the Chairman called for clarification on the votes. The Commissioners reviewed their votes issue by issue. On 13A, Issue 1 was incorrectly identified as having been a unanimous vote. In fact, it was passed on a 4 to 1 vote with Commissioner Garcia dissenting on the oral arguments (Issue 1 - 13A & Issue 2 - 13B).

Item 13 B -- The Commissioners approved staff for Item 1 (to deny intervention); Denied Declaratory Statement on a 3 to 2 vote (Jn, DS dissent); Motion to dismiss was moot; Closing of docket was approved.

Richard, please let me know if you agree with this summary. I will attach a copy of this e-mail to the vote sheet to ensure a permanent record of our communication. Carol will take the corrected vote sheet to the Commissioners for their signatures.

Fwd=by:=Richard=Bella=10/21/98=10:48am=====

Fwd to: Blanca Bayo

.....
I agree with the above.

FLORIDA PUBLIC SERVICE COMMISSION

13B

VOTE SHEET

OCTOBER 6, 1998

RE: DOCKET NO. 980509-EQ - Petition of Florida Power Corporation for declaratory statement that Commission's approval of negotiated contract for Purchase of Firm Capacity and Energy with Lake Cogen, Ltd., in Order No. 24734, together with Order No. PSC-97-1437-FOF-EQ, Rule 25-17.0832, F.A.C. and Order No. 24989, establish that energy payments thereunder, including when firm or as-available payments are due, are limited to analysis of avoided costs based upon avoided unit's contractually-specified characteristics. (Deferred from the September 22, 1998 Commission Conference)

Issue 1: Should the Commission grant North Canadian Marketing Corporation's petition to intervene or in the alternative, to submit amicus curiae brief?

Recommendation: No. Intervention or participation as amicus curiae should be denied.

APPROVED

DOCUMENT NUMBER-DATE
11270 *OCT 12 98
PSC - RECORDS/REPORTING

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures under MAJORITY: Susan Tolles, J. Terry Deason, Joe Faccia]

[Handwritten signature under DISSENTING: J. Terry Deason] (2)

REMARKS/DISSENTING COMMENTS:

Commissioners Johnson and Deason dissented on issue 2.

- VOTE SHEET

OCTOBER 6, 1998

DOCKET NO. 980509-EQ - Petition of Florida Power Corporation for declaratory statement that Commission's approval of negotiated contract for Purchase of Firm Capacity and Energy with Lake Cogen, Ltd., in Order No. 24734, together with Order No. PSC-97-1437-FOF-EQ, Rule 25-17.0832, F.A.C. and Order No. 24989, establish that energy payments thereunder, including when firm or as-available payments are due, are limited to analysis of avoided costs based upon avoided unit's contractually-specified characteristics.

(Continued from previous page)

Issue 2: Should the Commission grant FPC's Declaratory Petition?

Recommendation: Yes, the Commission should grant FPC's Petition for Declaratory Statement.

DENIED

Commissioners Johnson and Deason dissented.

Issue 3: Should the Commission grant Lake's Motions to Dismiss?

Recommendation: No.

Based on decision in Issue 2, this issue is moot.

Issue 4: Should this docket be closed?

Recommendation: Yes.

APPROVED