

VOTE SHEET

AUGUST 14, 2001

RE: DOCKET NO. 010561-EI - Petition by Florida Power & Light Company for approval of residential on-call research project and for waiver of Rule 25-6.0438(4)(c), F.A.C., or for issuance of order stating rule does not apply.

ISSUE 1: Should Florida Power & Light Company's Petition for a Waiver of Rule 25-6.0438(4)(c), Florida Administrative Code, be granted?

RECOMMENDATION: No. FPL has not demonstrated that the purpose of the underlying statute will be met, nor has it shown that the application of Rule 25-6.0438(4)(c), Florida Administrative Code, would create a substantial hardship to FPL and its customers.

on its own motion, the Commission determined that no vote was necessary on this issue and that the issue is moot.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Palatka
[Signature]
[Signature]
J. Terry Deady

[Signature] (ISSUE 2)

REMARKS/DISSENTING COMMENTS:

replacement
DOCUMENT NUMBER-DATE

09955 AUG 15 01

FPSC-COMMISSION CLERK

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ISSUE 2: Should Florida Power & Light's Residential On Call Research Project be approved, including approval for cost recovery?

PRIMARY RECOMMENDATION: If Staff's recommendation on Issue 1 is approved, the tariff should be denied on the basis that it is inconsistent with Rule 25-6.0438(4)(c), Florida Administrative Code. However, if Staff's recommendation on Issue 1 is denied, staff recommends that the Residential On Call Research Project be approved. The research could provide FPL with further justification to lower On Call program expenses recovered from all customers. Research project expenses, to be recovered through the Energy Conservation Cost Recovery Clause, should be limited to \$247,500. A final report detailing the findings of the research project should be filed with the Commission by March 31, 2003.

DENIED

ALTERNATE RECOMMENDATION: If Staff's recommendation on Issue 1 is approved, the tariff should be denied on the basis that it is inconsistent with Rule 25-6.0438(4)(c), Florida Administrative Code. However, if Staff's recommendation on Issue 1 is denied, staff recommends that the Residential On Call Research Project be denied. The current On Call program is cost-effective with a RIM value of 1.25 which indicates no immediate need to reduce credits to participants. The initial survey results indicate a 10% drop off rate. This equates to a decrease in reserve margin of approximately 0.5%, from 21.7% to 21.2% in the summer of 2002. In addition, the proposed pilot program is biased because participants will receive a refund of all reduced credits, including interest.

MODIFIED

*Approved with understanding
no vote was taken on Issue 1.*

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ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected by the proposed agency actions files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

MODIFIED

Consistent with Issues 1 and 2.