

FLORIDA PUBLIC SERVICE COMMISSION

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VOTE SHEET

APRIL 5, 2005

RE: Docket No. 040660-EG - Petition for approval of modifications to BuildSmart Program by Florida Power & Light Company.

Issue 1: Should the Commission grant Petitioners' Motion for Leave to Amend Protest?

Recommendation: Yes. The Commission should grant the motion for leave to amend.

WITHDRAWN

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the Commission grant FPL's motion to dismiss?

Recommendation: No. The Commission should deny the motion to dismiss. The protest of the Commission's PAA Order states a cause of action upon which the Commission can grant relief, and Calcs-Plus has standing as a retail ratepayer of FPL.

Issue 3: Should this docket be closed?

Recommendation: If the Commission denies the motion to dismiss, the docket should remain open for further proceedings. If the Commission grants the motion to dismiss, this docket should be closed, and PAA Order No. PSC-04-1046-PAA-EG should be made final and effective.