

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 3, 2003

RE: Docket No. 020398-EQ - Proposed revisions to Rule 25-22.082, F.A.C., Selection of Generating Capacity.

ISSUE 1: Should the Commission adopt changes to Rule 25-22.082, Florida Administrative Code, Selection of Generating Capacity?

RECOMMENDATION: Yes. The Commission should adopt changes to the rule as shown in Attachment A of staff's December 23, 2002 memorandum. These changes should improve the transparency of information available to potential participants in the RFP process. These changes ultimately should benefit the ratepayer by improving the process to ensure that the most cost-effective generating option is selected.

Modified A general motion to adopt the rule consistent with the following changes made at the conference was approved. The Commission recognized that staff will renumber the subsections as appropriate. (Commissioner Bradley dissented.)

● Subsection (5): Add as the first sentence, No term of the RFP shall be unfair, unduly discriminatory, onerous, or commercially infeasible. (Commissioner Bradley dissented.)

● Subsection (5)(e) ~~(d)~~: Insert the words criteria and the before methodology.

● Subsection (6): Following the word attribute, insert , criterion,, delete the phrase pursuant to Subsections (5)(d) and (e), and delete the word expressly.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures of majority commissioners]

[Handwritten signature of Commissioner Bradley]

REMARKS/DISSENTING COMMENTS:

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- Reinstate old Subsection 14 with modification to the second sentence, i.e., delete the word any preceding the word costs, insert the phrase and due to extraordinary circumstances and delete the remainder of the sentence. (Commissioner Bradley dissented.)
- New Subsection (14): Replace existing language with, "The public utility may modify the construction costs and/or performance parameters affecting revenue requirements in its next planned generating unit that it included in the RFP. However, if it chooses to do so, it must inform participants of its intent, provide the participants (limited to remaining finalists) a corresponding opportunity to revise their bids." (Commissioner Bradley dissented.)
- Create a new Subsection (17) regarding the possibility of an auction process with current waiver language remaining in Subsection 16.

ISSUE 2: Should the rule as approved by the Commission be filed for adoption with the Secretary of State and the docket closed?

RECOMMENDATION: Yes. The rule as approved by the Commission should be filed for adoption with the Secretary of State after the changes are published in the Florida Administrative Weekly.

Approved