

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MARCH 30, 2004

RE: Docket No. 031074-EI - Petition for approval of changes to existing performance guaranty agreement and for approval of a second performance guaranty agreement, by Florida Power & Light Company.

Issue 1: Should the Commission approve FPL's proposed changes to its existing Performance Guaranty Agreement tariff?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Charles M. D... (unclear), J... (unclear), M... (unclear), J... (unclear), and Judy Bradley.

Four horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

Commissioner Jaber participated in the conference by telephone. She agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

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VOTE SHEET

MARCH 30, 2004

Docket No. 031074-EI - Petition for approval of changes to existing performance guaranty agreement and for approval of a second performance guaranty agreement, by Florida Power & Light Company.

(Continued from previous page)

Issue 2: Should the Commission approve FPL's proposed new Performance Guaranty Agreement tariff?

Primary Recommendation: Yes. The proposed tariff should be approved, provided FPL files with the Commission monitoring reports as described in the primary analysis portion of staff's March 18, 2004 memorandum.

*Approved with modifications  
discussed at conference.*

**MODIFIED**

Alternative Recommendation: No. The proposed tariff should not be approved.

**DENIED**

Issue 3: Should this docket be closed?

Recommendation: Yes. If Issue 1 and staff's primary recommendation in Issue 2 are approved, the tariff should become effective on March 30, 2004. If a protest is filed within 21 days of the issuance of the order, the tariff should remain in effect with any increase held subject to refund pending resolution of the protest. If staff's alternative recommendation in Issue 2 is approved and a protest is timely filed, the docket should remain open pending resolution of the protest. If no protest is filed, the docket should be closed upon issuance of a consummating order.

**APPROVED**