

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 20, 2004

RE: Docket No. 040208-EI - Consumer complaint against Florida Power & Light Company by Leticia Callard.

Issue 1: Should the late-filed request for formal hearing on PAA Order No. PSC-04-0397-PAA-EI be granted?
Recommendation: Yes. The doctrine of equitable tolling should be invoked to grant the late-filed request for hearing. Moreover, the request substantially complies with the requirements of Rule 28-106.201(2), Florida Administrative Code.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

Mark A. Duff
Robert J. ...
Maureen ...
Jenny ...
Ruby Bradley

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

07891 JUL 20 04

FPSC-COMMISSION CLERK

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Docket No. 040208-EI - Consumer complaint against Florida Power & Light Company by Leticia Callard.

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Issue 2: Should Docket No. 040208-EI be closed?

Recommendation: No. Docket No. 040208-EI should be kept open pending resolution of the protest to PAA Order No. PSC-04-0397-PAA-EI.

APPROVED