

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 5, 2004

RE: Docket No. 040863-EU - Petition for declaratory statement regarding application of Rule 25-17.0836, F.A.C., Modification to Existing Contracts; Explanation of When Approval is Required, to its circumstances, by Indiantown Cogeneration L.P.

Issue 1: Should the Commission issue the declaratory statement sought by ICL concerning the facts presented? Recommendation: Yes. The Commission should issue a declaratory statement that the Letter Agreement containing the Replacement Index devised by FPL and ICL is not subject to the requirements of formal approval to assure cost recovery.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: Yes. The docket should be closed upon issuance of the order.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Boyd
John J. ...
...
J. ...
Judy ...

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10694 OCT-5 8

FPSC-COMMISSION CLERK

