

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 5, 2005

RE: Docket No. 050045-EI - Petition for rate increase by Florida Power & Light Company.

Issue 1: Should the Commission grant FPL's motions to dismiss FRF's "Petition to Conduct General Rate Case and Request for Hearing" and the Hospitals' substantially similar petition?

Recommendation: Rather than dismiss, the Commission should deny both Petitions. Although the Petitions filed by FRF and the Hospitals are styled as requests to initiate proceedings, the relief sought by FRF and the Hospitals is purely procedural. The Petitions ask the Commission to conduct rate cases for FPL and suggest that the results of these requested rate cases should become effective at the conclusion of the currently operative rate settlement for FPL. A proceeding to determine the fair, just, and reasonable rates for FPL to implement upon conclusion of the currently operative rate settlement has already been initiated, and FRF and the Hospitals may fully and fairly represent their interests in that proceeding.

What is truly being sought by FRF and the Hospitals are procedural placeholders - in the form of separate but contemporaneous rate proceedings - that would allow either party, in the event it is unsatisfied with a hypothetical stipulation among FPL and other parties to the docket, to press the case to hearing under the established time schedule. The Commission should not provide FRF and the Hospitals such additional process rights beyond the due process rights afforded to all parties.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06272 JUL-5 05

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Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open.