

VOTE SHEET

December 19, 2006

Docket No. 060658-EI – Petition on behalf of Citizens of the State of Florida to require Progress Energy Florida, Inc. to refund customers \$143 million.

Issue 1: Should PEF's Request for Oral Argument be granted?

Recommendation: Yes. Oral argument should be granted. Staff believes that, although PEF's motion and OPC and AARP's responses are clear and fully discuss the case law, there is a large volume of information provided and legal argument may be helpful to understanding each party's position. However, if the Commission believes that oral argument would not be helpful, it has the discretion to deny the request. If the Commission grants oral argument, each party should be limited to five minutes.

**MODIFIED**

*oral argument was granted, with each side given 12 minutes for argument.*

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Katrina J. Jew*  
*Jessie E. G...*  
*J. Jerry Wease*

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*[Signature]*

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

11583 DEC 19 06

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**Issue 2:** Should the Commission grant PEF's Motion to Dismiss OPC's Petition to recover \$143 million in allegedly imprudent expenditures for coal purchased between the years 1996 and 2005?

**Recommendation:** No. The Motion to Dismiss should be denied. The Commission should hear OPC's Petition in a full evidentiary proceeding and determine the prudence of PEF's actions based on the evidence and testimony adduced at the hearing.

**APPROVED**

**Issue 3:** Should this docket be closed?

**Recommendation:** No. If the Commission accepts staff's recommendation, this docket should not be closed until after an evidentiary hearing has been held and final order issued.

**APPROVED**