

VOTE SHEET

April 24, 2007

Docket No. 060150-EI – Petition for approval of revisions to contribution-in-aid-of-construction definition in Section 12.1 of First Revised Tariff Sheet No. 6.300, by Florida Power & Light Company. (Deferred from March 27, 2007, conference; revised recommendation filed.)

Issue 1: Should the Municipal Underground Utilities Consortium’s Request for Oral Argument be granted? Recommendation: No. The Request for Oral Argument should be denied because it does not comport with Rule 25-22.0022, F.A.C. However, interested persons may address the Commission informally on this item at the agenda conference, pursuant to Rule 25-22.0021, F.A.C.

APPROVED

Issue 2: Should the Petition to Intervene of the Municipal Underground Utilities Consortium be granted? Recommendation: Yes. The Petition to Intervene should be granted and all parties to this proceeding should be required to serve copies of all pleadings, notices, and other documents on the Municipal Underground Utilities Consortium’s representatives, as indicated in the Petition. The MUUC’s intervention should be limited to issues directly relevant to the proposed tariff that is the subject of this docket.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of Katriana J. McMurrian, Lorie G. J., and Scott G. J. on lines under MAJORITY.

Empty lines under DISSENTING for signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03477 APR 24 5

FPSC-COMMISSION CLERK

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**Issue 3:** Should the Stipulation and Settlement between FPL, the Towns of Palm Beach and Jupiter Island, and MUUC be approved in its entirety?

**Recommendation:** No. The Commission should decline to approve the Stipulation and Settlement in its entirety. However, the Stipulation and Settlement contains minor revisions and clarifications to the eligibility criteria for the GAF waiver, as shown on the proposed tariff pages attached to the Stipulation. In Issue 4, primary staff agrees with those revisions and clarifications and recommends approving them in that issue, if the Commission approves the primary staff recommendation.

**APPROVED**

**Issue 4:** Should the Commission approve FPL's amended petition and the revised tariff sheets attached to the Stipulation filed on March 23, 2007, for approval to implement a Governmental Adjustment Factor (GAF) for calculation of CIAC?

**Primary Staff Recommendation:** Yes. However, the GAF and associated tariffs as attached to the Stipulation filed on March 23, 2007, should be effective for only two-and-a-half years from the initial effective date, which is April 4, 2006. Any GAF waiver amounts should be treated as plant-in-service subject to normal ratemaking. At least 60 days prior to the expiration of the GAF and associated tariffs, FPL should be required to file a report with the Commission providing an updated quantification of storm restoration benefits. FPL should also petition the Commission to continue the tariff, modify the tariff, or discontinue the tariff at that time as necessary.

**APPROVED**

*with oral modification to include the language in 5.b. of Attachment A of staff recommendation in the order.*

**Alternative Recommendation:** The Commission should deny the tariff and require FPL to file tariffs implementing the requirements of Rule 25-6.115, F.A.C.

**DENIED**

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**Issue 5:** Should this docket be closed?

**Recommendation:** Yes. If no timely protest is filed within 21 days of the issuance date of the Order, no further action will be necessary and this docket should be closed upon the issuance of a Consummating Order. However, if a protest is filed by a person whose interests are substantially affected within 21 days of the issuance date of the Order, the docket should remain open pending resolution of the protest.

**APPROVED**