

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

May 22, 2007

Docket No. 050890-EI – Complaint of Sears, Roebuck and Company against Florida Power & Light Company and motion to compel FPL to continue electric service and to cease and desist demands for deposit pending final decision regarding complaint.

Docket No. 050891-EI – Complaint of Kmart Corporation against Florida Power & Light Company and motion to compel FPL to continue electric service and to cease and desist demands for deposit pending final decision regarding complaint.

Issue 1: Should the Commission acknowledge Sears and Kmart’s voluntary withdrawal of their respective complaints against FPL, and if so, what effect does the withdrawal have on Order Nos. PSC-06-0383-PAA-EI and PSC-06-0387-PAA-EI?

Recommendation: Yes. The Commission should acknowledge Sears and Kmart’s voluntary withdrawal of their respective complaints as a matter of right. The effect of the voluntary withdrawals is to divest the Commission of further jurisdiction over this matter, rendering both Order Nos. PSC-06-0383-PAA-EI and PSC-06-0387-PAA-EI nullities.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Neil A. De...

Katrina J. McMurrin

[Signature]

[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04185 MAY 23 5

Vote Sheet

May 22, 2007

Docket No. 050890-EI – Complaint of Sears, Roebuck and Company against Florida Power & Light Company and motion to compel FPL to continue electric service and to cease and desist demands for deposit pending final decision regarding complaint.

Docket No. 050891-EI – Complaint of Kmart Corporation against Florida Power & Light Company and motion to compel FPL to continue electric service and to cease and desist demands for deposit pending final decision regarding complaint.

(Continued from previous page)

Issue 2: Should Docket Nos. 050890-EI and 050891-EI be closed?

Recommendation: Yes.

APPROVED